



Crl. O.P. No.27318 of 2024

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P. DHANABAL.J.,

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(ii) of IPC in connection with the Crime No.308 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the de- facto complainant is doing construction business. It is alleged that the A-1 to A-3 approached the de-facto complainant and informed that a house site was available in lower price in Selvapuram. On the desire words of the accused, the complainant paid a sum of Rs.23,90,000/-. Whenever the complainant demanded to execute the sale deed, they evaded the same without showing the original owner of the house site. When the complainant demanded to remand back the amount, the accused threatened and cheated the complainant. Hence the case.

3. The learned counsel for the petitioner would contend that both the petitioner and the de facto complainant have been engaged in the real



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estate business for the past six years. During the COVID-19 period, they ventured into the vegetable and grocery vending business, and no transactions regarding land sales occurred between them. The de-facto complainant has misinterpreted bank transactions made before and during COVID, leading to the lodging of a false complaint. The learned counsel for the petitioner would further contend that the petitioner has not committed any offence as alleged in the FIR, that he is an innocent and he would abide by any condition imposed by this Court. He would submit that co-accused have been granted anticipatory bail. Hence, the petitioner may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is arrayed as A-1 in this case. The de-facto complainant engaged in the construction business, while so, the accused A-1 to A-3 approached him, claiming a house site was available at a lower price in Selvapuram. Based on their representations, he paid Rs. 23,90,000/-. However, when he requested the execution of the sale deed, the accused evaded him and did not show the original owner. When the complainant sought a refund, the accused threatened and deceived him. Hence, he objected to grant anticipatory bail to the petitioner. The learned



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Government Advocate appearing for the State, however, admitted that there is no any previous case pending against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offence involved in this case, considering the fact that already there is money transactions between the parties and there is no material available in support to substantiate the payment and also considering the fact that there is no any previous case pending against this petitioner and I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Learned Judicial Magistrate No.VII, Coimbatore** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



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WEB COPY [a] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[f] If the accused thereafter absconds, a fresh FIR can be registered

WEB COPY under Section 269 B.N.S.2023.

30.10.2024

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To

- 1.The Judicial Magistrate No.VII, Coimbatore.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, D-4, Kuniyamuthur Police Station, Coimbatore.



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