



Crl.O.P.No.27933 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.27933 of 2024

Prakash

... Petitioner

Vs.

The Inspector of Police,
CCB Police Station,
Coimbatore.

...Respondent

PRAYER: The Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhitha, praying to set aside the order dated 04.10.2024 passed in Crl.M.P.No.4794 of 2024 on the file of the learned Principal District and Sessions Judge, Coimbatore and enlarge the petitioner on bail.

For petitioner : Mr.S.Jayapriya
For respondent : Mr.S.Balaji, GA (Crl.Side)

ORDER

This Criminal Original Petition has been filed to set aside the order dated 04.10.2024 passed in Crl.M.P.No. 4794 of 2024 on the file of the learned Principal District and Sessions Judge, Coimbatore and enlarge the petitioner on bail.



Crl.O.P.No.27933 of 2024

WEB COPY

2. The case of the prosecution is that in the year 1996, the property measuring an extent of 8 cents of land in S.F.No. 413 in Peedampalli village was purchased by the defacto complainant from the petitioner and his father namely late Palanisamy vide sale deed Doc No. 2057/1996 on the file of Singanallur SRO and the same is in the absolute enjoyment of the defacto complainant. Later, when the defacto complainant obtained an Encumbrance certificate for the above said property, it was revealed that the said property was sold by the petitioner and his father to one Mr.Sivakumar in the year 2006 vide sale deeds Doc.No. 6125 of 2006 and 6127 of 2006 and that when she questioned about this illegal act to the accused person, all the accused persons jointly had threatened to kill her. Hence, a case was registered as against the accused persons for the offences under sections 120(B), 465, 467, 468, 420 and 506(ii) of the Indian Penal Code in Crime No.51 of 2024 on the file of the respondent.

3. Learned Counsel for the petitioner submitted that respondent police registered a false case as against the petitioner for the said



Crl.O.P.No.27933 of 2024

WEB COPY

offences. There is a civil dispute pending between the parties and the property was sold in the year 1996. He further submitted that the allegations are Civil in nature and the petitioner was a minor at the time of execution of the alleged sale deed. The petitioner was arrayed as a party in the sale deed only in the capacity of a minor legal heir and he has nothing to do with the alleged offence. However, the petitioner was arrested in this case on 05.08.2024 and subsequently, an interim bail was granted to the petitioner by the learned Principal District and Session Judge, Coimbatore vide order dated 04.09.2024 in Crl.M.P.No.4794 of 2024 subject to certain conditions. Due to non-compliance of the said order of the learned Sessions Judge, the interim bail granted to the petitioner was cancelled by the learned Sessions Judge. Aggrieved by that, the above petition has been filed seeking to set aside the order passed by the learned Sessions Judge and to enlarge the petitioner on bail.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent submitted that defacto complainant had purchased the property in the year 1996 from the accused persons and



Crl.O.P.No.27933 of 2024

later, she came to know that the accused executed a sale deed once again in respect of the same property to another person. When the defacto complainant questioned the same, the accused conspired together and tried to assault the defacto complainant and threatened her with dire consequences. He further submitted that the investigation is at initial stage. He also submitted that the petitioner was granted interim bail with certain conditions and since he did not comply with the same, the interim bail granted to the petitioner was cancelled by the learned Sessions Judge by the impugned order. Hence, he prayed for dismissal of the above criminal original Petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In this case, the allegation made against the petitioner is with regard to sale of property in the year 1996 by his father on behalf of his minor children. There is a property dispute pending between the parties and even according to the prosecution, the alleged sale deed has been



CrI.O.P.No.27933 of 2024

executed in year 1996 when the petitioner was a minor and no previous case is pending against the petitioner. The learned Sessions Judge already granted interim bail based on the affidavit filed by the petitioner to cancel the sale deed and thereafter when the negotiations are pending, the learned Sessions Court cancelled the interim bail and dismissed the bail petition. In the interim bail order, the Sessions Court has not imposed any condition to cancel the sale deed. Though the petitioner filed an affidavit to cancel the sale deed, the Court cannot compel to cancel the sale deed and it is for the parties to approach the appropriate Civil Court to cancel the sale deed. Therefore, the order of the Sessions Court declining to grant bail and cancelling the interim bail on the ground that the sale deed has not been cancelled is improper and the petitioner was in custody from 05.08.2024 and thereafter released on interim bail. However once the bail is granted and thereafter it is cancelled, the parties have to surrender before the Court concerned. In view of the said reasons, I am inclined to grant bail to the petitioner to certain conditions.

7. Accordingly, the petitioner is directed to surrender before the Judicial Magistrate No. 7, Coimbatore within 15 days from the date of



CrI.O.P.No.27933 of 2024

receipt of copy of this order and after his surrender, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.7, Coimbatore and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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;

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

[e] On breach of any of the aforesaid conditions, the learned Judicial 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



WEB COPY



Crl.O.P.No.27933 of 2024

in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];
and

[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 269 of the B.N.S.S.

13.11.2024

Index : Yes/No
Neutral Citation : Yes /No
nsf

To

1. The Principal District and Sessions Judge, Coimbatore
2. The Judicial Magistrate No.7, Coimbatore.
3. The Inspector of Police,
CCB Police Station,
Coimbatore.
4. The Superintendent, Central Prison, Coimbatore.
5. The Public Prosecutor,
High Court of Madras.

P.DHANABAL , J



WEB COPY



Crl.O.P.No.27933 of 2024

ns/

Crl.O.P.No.27933 of 2024

13.11.2024