



Crl.O.P.No.27764 of 2024

Crl.O.P.No.27764 of 2024

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioners/Accused 3 to 5 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 465, 467, 468, 471 and 506(ii) of I.P.C in Crime No.65 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the defacto complainant is working as a Manager in Nila Petrol Bunk situated at No.121, Periya Kadai Veethi, Coimbatore lodged a complaint before the respondent police by stating that originally the property in which the said Petrol Bunk situated belongs to Nangsappa Rao Trust. In this regard, A1 – Sarbudheen, who is an ex-employee of the said Petrol Bunk, fabricated the documents in respect of the property in which the Petrol Bunk is situated and executed a settlement deed in favour of A2 – Abdul Saleem, who is the brother of A1 before the Joint-I Sub Registrar, Coimbatore vide document No.554/2017 dated 29.12.2019. Subsequently, A2 executed a settlement deed in favour of A1 vide document No.1573/2022 dated 03.02.2022, thereby the



petitioner had transferred revenue records in his favour. Thereafter, A1 approached the petitioners herein and offer to sell the property for a total sale consideration of Rs.6,50,00,000/- and received a sum of Rs.65,00,000/- by way of Demand Draft bearing No.073508 drawn on CBI Bank, Kalapatti Branch, Coimbatore from the petitioners and executed registered agreement for sale on 19.09.2024 vide document No.6604/2024. Hence, this case.

3. Learned counsel appearing for petitioners submitted that petitioners are innocent and they are the bonafide purchasers, who paid the advance by way of demand draft and they have no personal knowledge about the allegations found in the FIR against A1 and A2, hence they have been falsely implicated in this case. He further submitted that A1 and A2 were arrested by the respondent police and produced before the learned Judicial Magistrate No.VII, Coimbatore on 27.10.2024 and subsequently, A1 and A2 were released on bail, on the same day. He also further submitted that the petitioners are cheated by A1 and A2 and they are ready to produce solvent sureties and to abide with any conditions imposed upon them, therefore, he prayed for grant of anticipatory bail to the petitioners.



4. Learned Government Advocate (Crl. Side) appearing for the

respondent police opposed for grant of anticipatory bail to the petitioners, stating that A1 had executed settlement deed in favour of A2 by fabricating the documents of a property belongs to Nangsappa Rao Trust, subsequently, A2 executed a settlement deed of the same property in favour of A1 and thereafter, A1 entered into an agreement of sale with these petitioners for a sale consideration of Rs.6,50,00,000/- and received a sum of Rs.65,00,000/- by way of demand draft from the petitioners.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioners herein are the purchasers of the said property and have paid A1, a sum of Rs.65,00,000/- as an advance to the property by way of demand draft, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.27764 of 2024

WEB COPY

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of one week and thereafter, every Saturday at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



WEB COPY



CrI.O.P.No.27764 of 2024

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

12.11.2024

stn



WEB COPY



Crl.O.P.No.27764 of 2024

A.D.JAGADISH CHANDIRA, J.,
stn

Crl.O.P.No.27764 of 2024

12.11.2024