



Crl.O.P.No.27835 of 2024

WEB COPY **A.D.JAGADISH CHANDIRA, J.**

Apprehending arrest in connection with Crime No.407 of 2024 registered for the offences punishable under Sections 338 and 292 of BNS, 2023, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per the Defacto Complainant Saravanarajan is that, the accused without any formal permission from the High Court had given advertisement in Flex board and Pamphlets by thanking the High Court as if permission was granted by the High Court for the construction of Integrated Court Complex within the jurisdiction at Mettukadai and attempted to sell the lands at an escalated price and thereby, cheated the public. Hence the case.

3. The learned counsel for the petitioners would submit that 1st petitioner is the owner of the press, who printed the pamphlets and the 2nd and 3rd petitioners are witnesses to the gift deed executed by one Narendra Kumar Nakhat and Renudevi Nakhat, who are the owners of the property. He would further submit that the petitioners understand that the said



Narendra Kumar Nakhat and Renudevi Nakhat had gifted the property in favour of the Government for public purpose and later, a proposal has also been initiated for the construction of Integrated Court Complex in that area. Other than that, the petitioners are not aware of anything. He would further submit that the petitioners are not the beneficiaries out of the transactions and the 1st petitioner, other than printing the pamphlets and the 2nd and the 3rd petitioners, other than witnesses to the gift deed, have nothing to do with the alleged offence. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl Side) appearing for the respondent police, while opposing for the grant of anticipatory bail to the petitioners, would submit that as per the defacto complainant, without any official proposal by the High Court, the accused have advertised as if a proposal has been initiated by the High Court for the construction of Integrated Court Complex. They have also given thanks and thereby, misleading the public. He would further submit that the investigation is pending.



WEB COPY

5. The learned counsel appearing for the Defacto complainant would submit that other than a visit of the Hon'ble Judges of this Court, there is absolutely no proposal. Whereas, the accused had attempted to mislead the public as if Integrated Court Complex is coming in the area and attempted to cheat the public to sell the properties at an escalated price.

6. Heard the learned counsel for the petitioner and the defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

7. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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, Kumarapalayam** 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 two weeks 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.

[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 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs.



Crl.O.P.No.27835 of 2024.



State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR

WEB COPY can be registered under Section 269 of B.N.S.

26.11.2024

mac



WEB COPY



Crl.O.P.No.27835 of 2024.

A.D.JAGADISH CHANDIRA, J.,

mac

Crl.O.P.No.27835 of 2024

26.11.2024