



Crl.OP.Nos.26548 of 2023 and 294 of 2024

Crl.O.P.Nos.26548 of 2023 and 294 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A2 has filed Crl.OP.No.26548 of 2023 and the petitioner/A3 has filed Crl.OP.No.294 of 2024, both in Cr.No.394 of 2023 registered by the respondent police for the offences punishable under Sections 120B and 420 of IPC. They seek anticipatory bail.

2. It is the case of the defacto complainant that in order to get loan for a business, the defacto complainant had approached one Sabari who introduced her to the Manager of Kotak Mahindra Finance Bank. The Manager then introduced the defacto complainant to his friends. Thereafter, the property belonging to the defacto complainant was inspected and value was also determined. It was then stated that a sale deed must be executed by way of a mortgage and after that she could obtain the loan.



Crl.OP.Nos.26548 of 2023 and 294 of 2024

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3. It is further stated that a sale deed had been executed in Document Nos.2907 of 2023 and 2908 of 2023 before the Sub Registrar Office at Rasipuram, both dated 28.04.2023. Complaining that she had been misled into executing the sale deeds, the complaint had been lodged. A2 is said to be the Financier and A3 is said to be the purchaser.

4. Let me not enter into any further details since, it had been stated by the learned counsel for the petitioners and also affirmed by the learned Government Counsel (Crl.Side) that proper re-conveyance documents have been executed which had been registered as Document No.1265 of 2024 and Document No.84 of 2024, dated 26.02.2024 and 05.01.2024 respectively.

5. In view of this particular step taken, which expresses to a little extent the bonafide of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:



Crl.OP.Nos.26548 of 2023 and 294 of 2024

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6. 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, Rasipuram, Namakkal District** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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., everyday for a period of one week and thereafter as and when required for interrogation.



Crl.OP.Nos.26548 of 2023 and 294 of 2024

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.03.2024

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294 of 2024**

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