



Crl.O.P.No.30052 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.915 of 2024 registered for the offences punishable under Sections 420, 465, 466 and 471 of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the accused by suppressing the pending mortgage deed, had sold the property to the defacto complainant for Rs.54 lakhs based on the non-traceable certificate. Hence the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He also submits that the defacto complainant had purchased the property knowing about the loan and that is the reason, the petitioners had sold the property for a minimum amount of Rs.54 lakhs whereas a false complaint has been given as if the petitioners had suppressed about the loan. He further submitted that



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the transaction between the second petitioner and the United Bank of India is separate proceeding and he is taking steps to settle the issues with the Bank.

The entire case of prosecution is borne out by documents and they are ready to abide by any stringent condition that may be imposed by this Court. He further submitted that four other properties of the second petitioner have been mortgaged and the original title deeds are with the Bank.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners by suppressing the mortgage, had sold the property to the defacto complainant. He would further submit that the investigation is still pending.

5. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Ambur**, on condition that each of the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m for a period of two weeks, 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



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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 269 of BNS.

02.12.2024

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