



Crl.O.P.No.28782 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 406 & 420 of IPC and Section 5 of TNPID Act in Crime No.10 of 2013 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant, who is a Real Estate Agent is that the Petitioners collected money from the public by monthly installment scheme for the purpose of selling the lands. At the end of the scheme period, they have not fulfilled their promise and cheated the Defacto Complainant and others. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent persons and on the very same day of the complaint, the Petitioners had settled the defacto complainant by registering 43 plots in his name. He would further submit that the Petitioners herein are arrayed as A9 to A14. The other co-accused filed Crl.OP. No.18314 of 2023 seeking anticipatory bail and the same was granted by this Court by order dated 21.08.2023.

4.The learned Government Advocate (Criminal Side) for the respondent opposed for grant of anticipatory bail to the Petitioners.



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5.Heard the learned counsel for the Petitioners and the learned Government Advocate (Crl. Side) appearing for the Respondent Police.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either sides and the fact that the co-accused were already granted anticipatory bail by this Court's order dated 21.08.2023 in Crl.OP. No.18314 of 2023, I am inclined to grant anticipatory bail to the Petitioners.

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 **Special Judge, Special Court for TNPID Act, 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.



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[b] the Petitioners shall report before the respondent

Police, on 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 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 229A IPC.

07.02.2024

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