



WEB COPY



Crl OP No.95 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.95 of 2025

1.Parameshwari
2. Rathnamani

... Petitioners

Versus

State rep by
The Inspector of Police,
District Crime Branch Police Station,
Coimbatore.
Crime No.27 of 2024.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Cr.No.27 of 2024 on the file of the Inspector of Police, District Crime Branch Police Station, Coimbatore..

For petitioners : Mr.P.Thinesh

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

For Intervenor : Mr.D.Padmanabhan



ORDER

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 61(2), 318(2), 336(3), 340(2) and 338 of BNS in Crime No.27 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners had administered alcohol to the defacto complainant and when the defacto complainant was in inebriated condition, took him into the Registrar's Office and represented to the defacto complainant that he was executing a sale agreement; that however he instead obtained signatures in a sale deed in favour of A4/second petitioner herein for a nominal sale consideration of Rs.30,00,000/-; and that the market value of the property is more than Rs.2,00,00,000/-. Hence, the case.

3. Learned counsel appearing for the petitioners would submit that the allegations are after an thought and the sale deed was registered with the full knowledge of the defacto complainant; that the complaint was lodged in October 2024 three months after the execution of the sale deed and in any case, the custodial interrogation of the petitioners is not required for the purpose of investigation. Hence, he prays for grant of anticipatory bail to the petitioners.



WEB COPY

4. Learned counsel appearing for the Intervenor/defacto complainant however would submit that there are evidence to show that the defacto complainant administered alcohol and the sale deed was executed while he was in inebriated condition and such sale deed is therefore void.

5. Heard the learned Government Advocate (CrI. Side) appearing for the respondent Police, reiterated the prosecution case and on instructions submitted that investigation is pending. Hence, he vehemently opposed for granting of anticipatory bail to the petitioners.

6. Admittedly, there is a sale deed executed by the defacto complainant in favour of A4. It is not the case of the defacto complainant that the signatures had been forged. The question as to whether the sale deed was executed for a lesser consideration and whether the defacto complainant was in inebriated condition are issues for adjudication in the trial.

7. Hence, considering the nature of allegations, this Court is of the view that custodial interrogation of the petitioners is not required. However, the petitioner shall not create third party interest in the property until further orders. This Court is inclined to grant anticipatory bail to the petitioners on the following conditions:



WEB COPY

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 is made ready, before the ***Judicial Magistrate -IV, Coimbatore***, on condition that the 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 conditions 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 daily at 10.30 a.m., until further orders.

[c] the petitioners shall file an affidavit of undertaking before the trial court that they will not create any third party interest in the property until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial.



CrI OP No.95 of 2025

[f] 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 are 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

17.02.2025

Vv

To

1. The Judicial Magistrate-IV,
Coimbatore.
2. The Inspector of Police,
District Crime Branch Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



CrI OP No.95 of 2025

SUNDER MOHAN, J.

Vv

CrI.O.P.No.95 of 2025

17.02.2025