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Crl.O.P.No.1973 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
DCB Police Station,
Coimbatore District.
(Crime No.28 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.28 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Thirumalai

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

For Intervenor : Mr.A.Parthasarathy
for M/s. A.Parathasarathy & Associates

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.12.2024, seeking bail in Crime No.28 of 2024 registered for the offence under Sections 120 B, 409, 420



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and 506(ii) of IPC.

2. The case of the prosecution is that, accused persons had promised the defacto complainant to sell their property worth about Rs.5 Crores for a sale consideration of Rs.1.75 crores and believing the said words, the defacto complainant had transferred a sum of Rs.1.75,49,000/- on various date to the petitioner's account and thereafter, when the defacto complainant requested the petitioner to register the property, the accused had not registered the same and had given evasive replies and that when the defacto complainant went to the petitioner's house on 06.10.2024, the accused had threatened the defacto complainant with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, that the 2nd accused, who is the wife of the petitioner, is the owner of the property measuring at 26.57 acres of land situated at River Side Property in Agali Village, Attapadi, Palad and one Duraisamy and Giridharan approached the 2nd accused through brokers and intended to purchase the entire property for the total sale consideration value of Rs.9,29,95,000/- and they paid Rs.6,10,00,000/- and



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got 20.43 acres of property registered in their names and refused to pay the balance sale consideration and that petitioner's wife lodged a complaint before the Commissioner of Police, City Crime Branch, Coimbatore, for which the Assistant Commissioner, Central Crime Branch-1, Coimbatore city wrote a letter to the Taluk Surveyor to inform the status of the land and it was found from the report that the land measuring about 25.96 acres belong to the petitioner's wife and that the entire case is borne out by records and in any case there is no deception. He also submitted that the petitioner is in custody from 17.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned counsel for the defacto complainant submitted that, out of 25.96 acres said to be owned by the petitioner's wife, only 20.96 acres belonged to the petitioner's wife and the balance 5 acre is government poramboke land, however, by misrepresenting the same, the petitioner had received a sum of Rs.1,75,49,000/-.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted



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that the investigation is pending and the amount is yet to be recovered.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.

7.The defacto complainant was unable to produce any agreement of sale entered into between the petitioner and himself for sale of land. The petitioner had lodged a complaint against few persons for not paying the entire sale consideration. In any case, the case is borne out by documents. Further custody of the petitioner is not required for investigation. Hence, considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned **Judicial Magistrate VI, Coimbatore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 B.N.S.

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To

1. The Judicial Magistrate No.VI,
Coimbatore.
2. The Inspector of Police,
DCB Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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