



Crl.O.P.No.31381 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 31381 of 2024

R.Mohankumar
Son of Mr. Ramasamy, 133, Andakkapalayam,
Vellanaipatti, Coimbatore - 641 048.

Petitioner(s)

Vs

The State Rep by
The Inspector of Police, District Crime Branch,
Coimbatore, Coimbatore District.
(Crime No. 22 of 2024).

Respondent(s)

Sakthivel

Intervenor/defacto complainant

For Petitioner:

Mr.A.Nagarajan

For Respondent:

Mr.S.Santhosh
Government Advocate (Crl.Side)

For Intervenor:

Mr. S.Lakshmi Narayanan

ORDER

Apprehending arrest in connection with Crime No.22 of 2024 registered for the offences punishable under Sections 120B, 419, 420, 467, 468, 471, 387, 341 and 506(ii) of IPC, the present petition has been filed seeking



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anticipatory bail.

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2. The case of the prosecution as per the defacto complainant Sakthivel is that, he is the legal heir of one Ganapathy Gounder. The said Ganapathy Gounder had borrowed money from one Komarappachettiyar by mortgaging the property and the said Komarappachettiyar had filed a suit and obtained the decree. Thereafter, the property was brought for court auction and one Venkatarama Rawooth had purchased the property through court auction. The defacto complainant had subsequently obtained a settlement deed in respect of the same property from Venkatarama Rawooth and he was in possession. While so, the accused have obtained a power of attorney from the legal heirs of Komarappachettiar and by fabrication of documents, transferred the property belonging to the defacto complainant and thereby grabbed the property belonging to the defacto complainant. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that the petitioner is an innocent purchaser of the property from the legal heirs of Komarappachettiar. He would submit that the defacto complainant has so far, filed about 12 suits against the various persons, while so, in O.S.No.188 of 2008 and 663 of 2010 was disposed on the file of the



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Additional District and Sessions Judge/ Fast Track Court- V, Tiruppur. He

would submit that the defacto complainant has entered into the box and had confirmed the title of the petitioner. He would submit that the petitioner is in possession of the property and that the entire case of the prosecution is borne out by documents and thereby the custodial interrogation of the petitioner may not be required. He would submit that the petitioner is ready to co-operate with the respondent for the investigation by giving all the copies of the documents and the petitioner is also ready to file an affidavit of undertaking that he would not create any encumbrance over the property. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for the grant of anticipatory bail is that, the petitioner along with others by fabrication of documents, transferred the property belonging to the defacto complainant and thereby grabbed the property belonging to the defacto complainant.

5. The learned counsel for the intervenor would vehemently opposed for the grant of anticipatory bail to the petitioner.



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

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Sulur, Coimbatore**, on condition that 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] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent



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police everyday at 10.30 a.m, for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders and the petitioner shall produce all the copies of the documents to the respondent police for the purpose of investigation and the petitioner also shall file an affidavit of undertaking not to encumber over the property;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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 of B.N.S.

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A.D.JAGADISH CHANDIRA, J.

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