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Crl.O.P.No.31434 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. 31434 of 2024

M.Shanmugam
Son Of Mani, No.215, Sri Roja Illam, Theeran
Chinnamalai Nagar, Karumathampatti Post, Sulur,
Coimbatore - 641 0659

Petitioner(s)

Vs

The State Represented By,
Inspector Of Police,
City Crime Branch,
Coimbatore.
Crime No.79 of 2024

Respondent(s)

For Petitioner(s):

Mr.Kingsly Solomon J

For Respondent(s):

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

ORDER

Apprehending arrest in connection with Crime No.79 of 2024 registered for the offences punishable under Sections 318(4), 351(3) and 61(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, the present petition has been filed seeking anticipatory bail.



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2. 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 engaged in a real-estate business and after paying the sale consideration of Rs.20 lakhs to the defacto complainant, the petitioner obtained a power of attorney, based on the registered power of attorney, the petitioner has sold the property to one WE4 Realtors on 21.10.2024, later coming to know that the petitioner gained profit in the transaction, the defacto complainant has given a false complaint. He would submit that the entire case of the prosecution is borne out by the documents. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

3. 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 accused while giving a loan in the guise of obtaining a mortgaged deed had obtained a general power of attorney from the defacto complainant and without his knowledge had sold the property to the third parties and cheated the defacto complainant, when the same was questioned, the accused threatened with dire consequences.



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4. Having heard the learned counsel for the petitioner, 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 petitioner with certain conditions.

5. 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 No.VII, 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 police everyday at 10.30 a.m, until further orders;



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[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.

08.01.2025

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