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Crl.OP.No.32580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.32580 of 2024

Rehna Bijoy

... Petitioner /Accused 2

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Coimbatore,
Coimbatore District.

... Respondent/Complainant

(Crime No.28 of 2024)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest in Crime No.28 of 2024 by the respondent Police.

For petitioner : Mr.B.Thirumalai

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

For Intervenor : Ms.S.Poojashree
for M/s.A.Parthasarathy & Associates



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 409, 420 and 506(2) of IPC, in Crime No.28 of 2024, on the file of the respondent police, seeks anticipatory bail.

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 dates to A1's account and thereafter, when the defacto complainant requested A1 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 house of the accused 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 innocent person and he has been falsely implicated in this case,



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the petitioner, who is the wife of A1, 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 got 20.43 acres of property registered in their names and refused to pay the balance sale consideration and that petitioner 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 and that the entire case is borne out by records and in any case there is no deception. He further submitted that co-accused has been granted bail by this Court in Crl.O.P.No.1973 of 2025 on 03.02.2025. Hence, he prayed for grant of anticipatory 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, only 20.96 acres belonged to the petitioner and the balance 5 acres of land is government



poramboke land and that by deception, the A1 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 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 (Crl.Side) for the respondent Police and perused the materials available on record.

7. Though it is the case of the defacto complainant that he had paid a sum of Rs.1.75 crores towards sale consideration, the learned counsel for the petitioner was unable to produce any agreement of sale entered into between the petitioner and himself for sale of the land. The petitioner had lodged a complaint against few persons for not paying the entire sale consideration. In any case, the allegations are borne out by documents. The co-accused was arrested and released on bail. In the light of the above facts



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this Court is of the view that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of copy of this order, before the **Judicial Magistrate Court VI, Coimbatore**, on condition that the petitioner shall execute a bond for 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 said Magistrate, on further condition that:

[a] 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 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;



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



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SUNDER MOHAN, J.

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