

**IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,  
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,  
PRINCIPAL DISTRICT & SESSIONS JUDGE, COIMBATORE.**

**Wednesday, this the 11<sup>th</sup> day of March, 2026**

**CRIMINAL MISCELLANEOUS PETITION Nos.3299/2025 and 3453/2025 and  
3454/2025**

Ruthra Kumar.K (Age 55 years)  
S/o. Kumarasamy. ... Petitioner in CMP.No.3299/2025A-3

Manikandan (Age 46 years)  
S/o. Gopinathan. ... Petitioner in CMP.No.3453/2025/A-4

A. Sabeer Ahamed (Age 40 years)  
S/o. Abdul Ajeesh. ... Petitioner in CMP.No.3454/2025/A-2

/ vs /

State, Rep. by  
through the Inspector of Police,  
**Peelamedu Police Station,**  
**Crime No.561/2025,**  
**Offences: u/s.61(2), 318(4) r/w 3(5) of BNS.**  
Through the Public Prosecutor, Coimbatore. ... Respondent/Complainant  
(The Judicial Magistrate Court No.2, Coimbatore.)

These three petitions have been filed through **e-Filing** on behalf of the petitioner in the respective petitions to release them on anticipatory bail u/s.482 of BNSS.

These three petitions are coming on this day for final hearing before this Court in the presence of **Tvl. R. Kalaiarasu, and A. Shagul Hameed,** Advocates for the petitioner in CMP.No.3299/2025 / A-3 and **Thiru. M.Suresh,** Advocate for the petitioner in CMP.No.3453/2025/A-4 and **Thiru. V. Senthil Kumar,** Advocate for the petitioner in CMP.No.3454/2025 / A-2 and **Thiru. T. Vignesh Pandian,** Advocate for the defacto complainant in the respective petitions /Intervener [CMP.No.3587/2025][CMP.No.4252/2025][CMP.No.4254/2025] and **Thiru. V. Ravichandran, Public Prosecutor,** represented for State, upon perusing the petition

submitted and upon hearing both side arguments, this Court pronounced the following:-

### **COMMON ORDER**

#### **Heard both side.**

The petitioner in the respective petitions is the accused in Crime No.561/2025 of Peelamedu Police Station, since they are apprehending arrest in the hands of the respondent police for the alleged offences u/s.61(2), 318(4) r/w 3(5) of BNS, they have filed these three petitions separately, seeking grant of anticipatory bail.

2. The learned counsel for the petitioner in CMP No.3299/2025 has submitted that the petitioner is doing real estate and finance for the past two decades and A-1 and A-2 known to him in the course of the business transaction. In the year 2017, Ravichandran approached the petitioner that he owes to pay Rs.10,00,000/- to A-2 and another sum of Rs.2,50,000/- to A-5. In order to settle the said dues to them, he wants to dispose of his house property. The defacto complainant requested the petitioner to act as a power agent for the said Ravichandran to dispose his property and in the sale proceeds of the property, the petitioner has to settle the entire dues to A2 and A5 and the balance has to be paid to the complainant. The petitioner agreed to act as a power agent for the complainant in disposing his property and accordingly on 24.11.2017 the complainant duly executed a general power of attorney in respect of the suit property including possession. Thereafter the petitioner identified the buyer for the property and had negotiations with the buyer, one G.Manikandan and the petitioner entered into sale agreement with the said buyer and fixed the sale consideration for the suit property as Rs.23,00,000/- and the buyer had paid a sum of Rs.2,00,000/- as advance. The buyer after sanction of the loan by the Magma Housing Finance Limited and issued a cheque for a sum of Rs.16,56,253/- through the Axis Bank Limited to the petitioner and a sum of Rs.4,00,000/- vide RTGS and a sum of Rs.43,747/- vide cheque. The petitioner after the receipt of the balance sale consideration of Rs.21,00,000/- from the buyer, duly executed the sale deed in favour of the buyer on 10.01.2018. From the sale proceeds of the property, the petitioner as per request and direction of the complainant, paid a sum of Rs.14,57,500/- to A2, i.e., a sum of Rs. 12,90,000/- vide RTGS on 23.01.2018 and a sum of Rs.1,67,500/- vide cash on 06.02.2018. The petitioner also settled a sum of Rs.3,20,000/- to complainant vide cheque dated 14.02.2018. The petitioner settled the balance amount from the sale proceeds, i.e., a sum of Rs.3,22,500/-. Thereby the petitioner performed his duty as a power agent and settled accounts to the complainant and the complainant also

issued due receipt in favour of the petitioner on 24.02.2018. While so, on 17.08.2018, the complainant without any reason threatened petitioner that A2 has not paid amount to the complainant and further threatened that the complainant would approach the police and if A2 failed to pay to the complainant. The said Ravichandran, are attempting to threaten the petitioner for the ulterior motive to enrich unlawfully. The petitioner filed suit for the relief of permanent injunction before the Principal District Munsif, Coimbatore, in O.S.No.1252/2018 and the same was dismissed on 22.04.2025. Thereafter the petitioner filed an Appeal before the Principal Sub Judge of Coimbatore and the same was numbered as A.S.No.64 of 2025 and the same is pending. The petitioner is having a permanent residence and he will neither abscond nor tamper the witness and he is ready to abide any condition imposed by this Court and prays for grant of anticipatory bail to him.

3. The learned counsel for the petitioner in CMP No.3453/2025 has submitted that the petitioner is in no way connected with the alleged complaint lodged by the defacto complainant Ravichandran. The petitioner is having permanent residence and he will neither abscond nor tamper with any prosecution witness and he undertakes to cooperate for the investigation and prays for grant of anticipatory bail to him.

4. The learned counsel for the petitioner in CMP No.3454/2025 has submitted that A-3 got sanctioned loan by bank to a sum of Rs.20 lakh and transferred the said amount to the petitioner's bank account. In the meantime, the defacto complainant borrowed loan from several individuals including A-2 from whom a sum of Rs.10 lakh was availed and got his daughter to complete the higher education. The defacto complainant also instructed A-2 to settle the entire loan amount borrowed by him out of the loan amount sanctioned by bank of Rs.20 lakh. Accordingly, A-2 also sorted out the issue and discharged the entire loan amount borrowed by the defacto complainant from several individuals inclusive of Rs.10 lakh lent by A-2. A-2 did not commit the offence except the fact that A-2 subscribed his signature as witness in both the power of attorney and sale deed. The petitioner is having permanent residence and he will neither abscond nor tamper with any prosecution witness and he undertakes to cooperate for the investigation and prays for grant of anticipatory bail to him.

5. The learned counsel for the defacto complainant has submitted that when the defacto complainant approached A-1 for availing loan of Rs.20 Lakh for his daughter's medical course education, A-1 gave mobile number of A-2 and then both

of them introduced A-3. After conversation, A-1 to A-3 assured that they would arrange loan for the defacto complainant if he executed power of attorney in respect of his landed property, so that they would arrange loan through that power deed. Believing their words, he executed power deed in favour of A-3 on 24.11.2017 and also based on their request, he also executed 4 unfilled green sheets, 8 unfilled signed cheques, 4 unfilled signed cheques of his wife, 2 stamped green sheets and other documents. After that, when he asked for his loan amount, they simply evaded him and at last, in 2018, A-3 gave him two cheques covers Rs.3,00,000/- and A-2 gave him cash Rs.50,000/- thus totally he received Rs.3,50,000/-. Thereafter, to the shock and surprise, A-4 came to his house and asked him to vacate the house, then only he came to know that A-3 already sold the property to him. Immediately When the defacto complainant verified the EC, it came to know that A-3 sold out the defacto complainant's property to A-4 and based on that sale deed, A-4 availed a mortgage loan of Rs.17,00,000/- in a private bank by pledging the property. Immediately the defacto complainant rushed to A-1 and asked her, she gave evasive reply and suddenly abused him and threatened. On shocking, when the defacto complainant rushed to A-2 and A-3 and asked them, they told that already property was conveyed and also threatened the defacto complainant. Subsequently, other accused filed a suit and suppressed the material fact that a criminal complaint was lodged against him. After an elaborate trial, the above suit was dismissed on 22-04-2025. The above suit is filed only to escape from the clutches of criminal law and to avoid the defacto complainant taking criminal action against them. Further in the said suit, all the accused forged a receipt said to have been executed by the defacto complainant in favour of A-3 and filed the same as Exhibit in the said suit. Infact the defacto complainant does not know A-5, who alleged to be given loan to the defacto complainant and received back the loan amount with interest from A-3 under receipt. Further on 13.06.2023 the bank officials came to the defacto complainant's property and sealed the house since A-4 did not cleared the loan dues and made auction sale of property. Therefore, with no other option, the defacto complainant paid the part payment of loan arrears Rs.17,90,000/- to the bank in order to safeguard his ancestral house. Thus, all accused persons including A-2 created a criminal conspiracy with intent to grab the defacto complainant's house property and fraudulently obtained power deed and sold his property without his knowledge and based on that sale deed, availed mortgage loan and intentionally defaulted to pay loan amount and brought his property to auction sale and cheated him. Hence the complaint. Due to the criminal act of accused, not only the defacto complainant's daughter's life was ruined but also his property was grabbed by them. In this case,

investigation is in initial stage and opposed to grant anticipatory bail to the petitioner in the respective petitions.

6. The learned Public Prosecutor has submitted that there are totally 5 accused in this case. A-1 and A-2 are known persons to the defacto complainant. A-3 is the power agent. A-4 is the subsequent purchaser. A-5 is the witness to the power of attorney. The subject matter of the property belongs to the defacto complainant. The defacto complainant approached A-1 for private loan for the purpose of his daughter's education for a sum of Rs.20 lakh. A-1 gave A-2's mobile number for loan process and both A-1 and A-2 introduced A-3 to the defacto complainant. On the desire words of A-1 to A-3, the defacto complainant executed power of attorney in favour of A-3. A-1 to A-3 obtained signatures from the defacto complainant and his wife in various blank papers and obtained blank cheques. Thereafter, when the deacto complainant requested loan amount from A-3, he gave only a sum of Rs.3.50 lakh. Later it came to know that A-3 executed sale deed in favour of A-4. A-4 insisted the defacto complainant to vacate the house. Further A-4 mortgaged the house property in the bank and due to his non-payment of the due amount, the property came for auction and on knowing the same, the defacto complainant paid a sum of Rs.17 lakh in order to safeguard his property. All the accused conspired together and cheated the defacto complainant. Hence the complaint.

7. Heard. As per the prosecution case, on the desire words of A-1 to A-3 the defacto complainant executed power of attorney in respect of his house property in favour of A-3 to arrange loan for higher education of his daughter and later it came to the knowledge of the defacto complainant that all the accused conspired together and cheated him. It is the main contention of the petitioner in CMP No.3299/2025 that, he has filed a civil suit for the relief of injunction and the same was dismissed for the reason that police complaint was pending and he preferred appeal against the said suit and the same is pending for disposal and while so A-1 moved anticipatory bail application before the Hon'ble High Court, Madras in CrI.O.P.No.23893/2025 and obtained anticipatory bail on 22-10-2025 and in para 5 of the order, the Hon'ble High Court, Madras observed that the complaint has not been lodged immediately and belatedly it has been filed and allegation is that by misrepresentation, accused have collected documents from the defacto complainant and power of attorney was also executed by him, hence the custodial interrogation for the purpose of investigation of complaint is of this nature is not necessary and infact the defacto complainant did not challenge any of the proceedings so far and in order to get unlawful gain, the defacto

complainant lodged this false complaint and the petitioner is ready to cooperate for the investigation and prays for grant of anticipatory bail to him. It is the main contention of the petitioner in CMP No.3453/2025 that, he is the bonafide purchaser of the property and since vacant possession of the property not handed over to him, he was unable to pay loan amount properly and hence the bank initiated SARFEASI Act and the petitioner is an innocent and prays for grant of anticipatory bail to him. It is the main contention of the petitioner in CMP No.3454/2025 that, the defacto complainant instructed him to settle the entire loan amount borrowed by him out of the loan amount sanctioned by bank of Rs.20 lakh and the petitioner sorted out the issue and discharged the entire loan amount borrowed by the defacto complainant from several individuals inclusive of Rs.10 lakh lent by the petitioner and he subscribed his signature as witness in the document and he did not commit any offence as alleged and prays for grant of anticipatory bail to him. Whereas, it is the contention of the defacto complainant that, all the accused colluded together with an intention to grab the property of the defacto complainant and defrauded him and he preferred the police complaint in the year 2018 and for 4 years, he struggled for registering the FIR and in the meantime, A-1 has filed a civil suit seeking injunction and in which, he has filed a fabricated receipt and he also suppressed the pendency of the criminal complaint and hence the suit was dismissed due to pendency of the criminal complaint and during police enquiry, all the accused admitted the offence and undertake that they will pay a sum of Rs.20 lakh to the defacto complainant and while so having been admitted they have not acted as agreed and therefore the defacto complainant filed the private complaint and got direction and on 31-07-2025 this FIR has been registered and as far as A-1 is concerned, she is only a mediator and hence bail was granted to her by the Hon'ble High Court, Madras and A-2 to A-5 are concerned, they have actively participated in this offence and the defacto complainant participated in the auction sale to save his property and apart from the complaint filed by the defacto complainant, another complaint of the similar nature filed by third party against A-2 and investigation is in prime stage and opposed to grant anticipatory bail to the petitioner in the respective petitions. The learned Public Prosecutor reported that investigation is pending. After considering all the above said aspects, considering the nature of dispute, the fact that co-accused namely A-1 was granted anticipatory bail by the Hon'ble High Court, Madras, and undertaking of the petitioners to cooperate with the investigation, since they apprehend arrest at the hands of the respondent police, **this Court is inclined to grant anticipatory bail to the petitioner in the respective petitions subject to the following conditions:-**

- (i) Anticipatory bail is granted to the petitioner in the respective petitions.

(ii) The petitioner in the respective petitions shall execute bond for Rs.10,000/- each in the event of their arrest or the petitioner in the respective petitions shall surrender before the Judicial Magistrate No.2, Coimbatore and execute bond of Rs.10,000/- each within 15 days from the date of this order, failing which the anticipatory bail granted to the petitioner in the respective petitions shall stand automatically cancelled.

(iii) The petitioner in the respective petitions shall produce two sureties for likesum each to the value of Rs.10,000/- each to the satisfaction of the Judicial Magistrate No.2, Coimbatore within 15 days from the date of this order, failing which the anticipatory bail granted to the petitioner in the respective petitions shall stand automatically cancelled.

(iv) 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.

**(v) The petitioner in the respective petitions is directed to sign before the respondent police, daily at 10.00 a.m. for a period of 30 days and thereafter as and when required for interrogation.**

(vi) The petitioner in the respective petitions shall not abscond either during investigation or trial.

(vii) The petitioner in the respective petitions shall not tamper with evidence or witness either during investigation or trial.

(viii) On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in the respective petitions in accordance with law as if the conditions have been imposed and the petitioner in the respective petitions 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]**.

(ix) If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

This common order is dictated to steno-typist, typed by her, corrected and pronounced by me on this 11<sup>th</sup> day of March, 2026.

PRINCIPAL DISTRICT & SESSIONS JUDGE,  
COIMBATORE.

**CC to ( sent via email):**

1. The Judicial Magistrate Court No.2, Coimbatore.
2. The Public Prosecutor, Coimbatore.
3. The Inspector of Police, Peelamedu Police Station.
4. Counsel for the Petitioner in the respective petitions/ Accused Person.
5. Counsel for the defacto complainant in the respective petitions / Intervener.