

CrI.O.P.No.2936 of 2016K.KALYANASUNDARAM,J.

The petitioner, who is arrayed as second accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC, in Crime No.134 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the first accused is the owner of the property to an extent of 31 cents and he entered into an agreement with the defacto complainant on 08.04.2015. According to the sale transaction, a sum of Rs.50,000/- is paid as advance out of the total sale consideration of Rs.1 lakh and the balance amount is to be paid on the date of execution of the sale deed. When the defacto complainant had three years time to complete the sale transaction, the first accused again entered into an agreement with the second accused on 15.09.2015, in respect of the same property and thereby, cheated the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the transaction between the first accused and the defacto complainant is purely civil in nature and the earlier agreement between the first accused and the defacto complainant was not informed to the petitioner and instead of approaching the concerned civil court, he has preferred the criminal complaint before the respondent police.

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4. Heard the learned Government Advocate (Criminal side) appearing for the respondent.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.I, Hosur and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily evening at 6.00 p.m. for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

22.03.2016

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