

CRL.O.P.No.6467 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i), 420 IPC in Crime No.145 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3.The case of the prosecution is that the petitioner is a land broker and during his business, he had received a sum of Rs.5 lakhs from the de-facto complainant which has to be given to the buyer of the de-facto complainant's property but failed to do so and also, he had not returned the same to her.

4.Learned Counsel for the petitioner submitted that a false complaint has been foisted against him and he has not committed any such offence.

5.Learned Government Advocate (Crl. Side) on instructions submitted that the case pertains to business transaction in regard to execution of sale of property. He further submitted that the petitioner had received amount the de-facto complainant and he had not repaid the amount to her.

6.Considering the facts and circumstances of the case and also taking note of the fact that no transaction has occurred between the petitioner and the defacto complainant, **this Court is of the view that custodial interrogation is not required at this stage and inclined to grant anticipatory bail to the petitioner.**

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7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned District Munsif cum Judicial Magistrate, Neyveli**, subject to the following conditions:

(i) the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** each 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 Magistrate concerned;

(ii) the petitioner shall report before the respondent police daily at **10.30 a.m.** until further orders;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial.

(v) on breach of any of the aforesaid conditions, the 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 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]**.

20.07.2016

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