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Crl.O.P.No.15732 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 406 and 420 of IPC in Crime No.84 of 2022 on the file respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.05.2019, on T.Vijayakumar received a sum of Rs.15,00,000/- from the de-facto complainant under a promise of registering a house in favour of one Jayakumar's name but later failed to fulfil his promise and A1 was introduced by A2/petitioner to the de-facto complainant. Hence, this complaint.

3. The learned counsel appearing for the petitioner submitted that the complaint lodged against the petitioner is false and he has been falsely implicated in this case. He further submitted that the petitioner has not

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involved in the said crime as alleged by the respondent. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent police submitted the petitioner is arrayed as A2 in this case, and he received a sum of Rs.15 lakhs from the de-facto complainant in order to register the house in his favour and cheated him. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Even according to the case of the prosecution is that the petitioner is working as conductor in the Metro Transport Corporation. While that been so, the petitioner is the friend of the de-facto complainant and he introduced the A1 without knowledge of the petitioner, the 1st accused received some amount from the de-facto complainant in order to sell the property and thereafter the petitioner failed to register the property in favour of the de-facto complainant and failed to return the said amount.

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

7. 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 Court No-II, Tambaram, on condition that the petitioner shall execute separate 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 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 their Aadhar card or Bank pass Book to ensure their identity.

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[b] the petitioner shall report before the respondent police daily at Morning 10.30 A.M., and Evening 5.30 P.M., for a period of four weeks and thereafter as and when required for interrogation.

[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 229A IPC.

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