



Crl.OP.No.16525 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC in Crime No. 231 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that during 2019, when the defacto complainant approached the petitioner to purchase a flat, he made to believe her that he is going to develop his property and requested for financial assistance to settle his sisters and mother's share and assured for construction of flat after negotiating with the builders and to enter into an agreement. Believing his words, the defacto complainant gave a sum of Rs.17 lakhs from and out of the savings of herself and her husband and also by selling her jewels. When the defacto complainant through her father contacted him, he gave evasive reply. Till date the petitioner neither arranged a flat nor returned the amount and tried to dispose the property and thus committed cheating. Hence, the case.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervener/defacto complainant submitted that the defacto complainant paid a sum of Rs.17 lakhs to the petitioner to develop the property. The entire amount was paid by the defacto complainant by cash only. However, after receipt of the money, the petitioner failed to develop the property. Therefore, he prays to dismiss the petition.

5. Even according to the prosecution, there is no evidence to show that the defacto complainant had paid a sum of Rs.17 lakhs to the petitioner. In fact, the matter has been referred to mediation for amicable settlement but there is no settlement arrived between the parties.

6. Considering the above fact and circumstances of the case, this



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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 is made ready, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute 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 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two 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.



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[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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