



Crl.O.P.No.16371 of 2022

Crl.O.P.No.16371 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420, 506(i) and 34 of IPC in Crime No.377 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that there are totally there are three accused involved in this case and the petitioner is A1. The petitioner along with other accuse have agreed to sell their properties in two plots in Polt No.136, 137 situated at Oragadam village, S.No.46/1 totally measuring 753 sq.ft to the defacto complainant and received an amount of Rs.18,00,000/- agreeing to execute the sale deed in his favour and also entered into an sale agreement with him on 12.12.2013 and thereafter the petitioner approached the defacto complainant and borrowed Rs.6 lakhs for his son's education and totally Rs.24,00,000/- was received by the petitioner from the defacto complainant and executed a regular sale deed on 16.12.2014 in favour of his friend one



Crl.O.P.No.16371 of 2022

Balaji. Thereafter, when the defacto complainant demanded to hand over the possession of the property, the petitioner along with other accused refused to vacate the property and also refused to return the amount of Rs.24 lakhs and refused to execute any sale deed in favour of the defacto complainant as agreed by them and also threatened him with dire consequence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that a suit for injunction in O.S.No.310 of 2021 before the District Munsif Court, Ambattur against the defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor strongly objected for granting anticipatory bail to the petitioner stating that the petitioner along with other accused refused to vacate the property and also refused to return the amount of Rs.24 lakhs and refused to execute any sale deed in favour of the defacto complainant as agreed by them and also threatened him with dire consequence.



Crl.O.P.No.16371 of 2022

WEB COPY

5. The learned Additional Public Prosecutor would submit that the defacto complainant initially paid some advance amount to purchased the property belongs to the petitioners. Accordingly, sale agreement was executed on 12.12.2013. Thereafter, sale deed was executed in favour of the defacto complainant's friend one Balaji and thereafter sale deed was registered in favour of the said Balaji on 16.12.2014. Thereafter, there was a misunderstanding between them. Thereafter, when the defacto complainant demanded to hand over the possession of the property but the petitioners neither paid any rent nor vacated the premises. However, he opposed to grant anticipatory bail to the petitioner.

6. Considering the above fact and circumstances of the case and also considering the allegation against the petitioner is civil in nature, 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



CrI.O.P.No.16371 of 2022

from the date on which the order copy made ready, before the learned **Judicial Magistrate, Ambattur**, 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.

[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



Crl.O.P.No.16371 of 2022

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.

20.07.2022

Sma



WEB COPY



Crl.O.P.No.16371 of 2022

G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No16371 of 2022

20.07.2022