



CrI.O.P.No.17684 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 120(b) of IPC, in Crime No.302 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused assured to sell the property in favour of the defacto complainant and received a sum of Rs.11,25,000/-. Thereafter, the petitioners refused to register the document in favour of the defacto complainant, thereby cheated him. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit the petitioners received a sum of Rs.11,50,000/- on the pretext of selling a property in favour of the defacto complainant and thereafter refused to register the document in favour of the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally 6 accused in which the petitioners are arrayed as A3 and A4. A1 is a real estate company in which the petitioners are working as engineers. A1 assured to sell a property in favour of the defacto complainant and received a sum of Rs.11,50,000/- and thereafter, refused to register any document in favour of the defacto complainant. Even according to the case of the prosecution, the petitioners while they were working as Engineers under A1, executed an affidavit along with A1 and undertaken to settle the amount to the defacto complainant.

6. Considering the above facts and circumstances, the custodial interrogation of the petitioners does not require in this case. Hence, this



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Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Coimbatore, on condition that each of the petitioners 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.07.2022

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