



Crl.O.P.No.17785 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 448 and 506(i) IPC in Crime No.134 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant approached the one Jayanthi(A1) for purchasing a house situated in Door No.86, A-3 Block, P.N.Dharga, Lloyds Road, Triplicane, Chennai – 5 for a tune of Rs.7,30,000/-. For the said house Slum Board allotment was missed out by said Jayanthi for which, she lodged complaint. On 26.03.2021, the sale consideration of Rs.7,30,000/- was given to the said Jayanthi and on the next day, she informed the complainant to pay the tax of Rs.250/- to the above house and the same was complied and possession was handed over to the defacto complainant. On 19.04.2021, alteration works were carried out by the defacto complainant at that time the petitioner herein went to the said house and informed them about the mortgage loan obtained by said Jayanthi from this petitioner and premises



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was locked and the very same was informed to Jayanthi on 08.05.2021 she arranged for a meeting between the petitioner and the complainant and the said Jayanthi demanded further amount of Rs.60,000/- for name change before the Tamil Nadu Slum Clearance Board but the same was refused with narrating all the facts. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused received amount from the defacto complainant in order to secure house and cheated the defacto complainant. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. 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.

6. 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 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



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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 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.

29.07.2022

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28.07.2022