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Crl.OP.No.18129 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest for the alleged offence under Sections 406 & 420 IPC in Crime No.01 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons extracted money from the defacto complainant by giving false promise that they would buy the collage of the defacto complainant and approached him by paper advertisement and cheated him by collecting a sum of Rs.11,50,000/- cash. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the



Crl.OP.No.18129 of 2022

WEB COPY

respondent submitted that the petitioner approached the defacto complainant to purchase the property for a sale consideration of Rs.25,00,00,000/-. Upon instructions of the petitioner, the defacto complainant and others went to the Registration Office at Ooty and paid a sum of Rs.11,50,000/- cash for registration charges and other expenses, subsequently, the petitioner and other accused persons absconded. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case, it appears to be an unbelievable story of the defacto complainant. Since the defacto complainant intended to sell the property and was known made to pay the amount for registration charges and other expenses, he registered the document. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 Judicial Magistrate, Ooty on condition that the petitioner shall execute a



Crl.OP.No.18129 of 2022

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 and the petitioner released on bail by the learned Magistrate/Trial Court

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Anu



Crl.OP.No.18129 of 2022

WEB COPY

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.

10.08.2022

Anu

Crl.O.P.No.18129 of 2022