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Crl.O.P.No.18680 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174 of Cr.P.C and Section 420 of IPC, in Crime No.07 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the husband of the defacto complainant had received a loan from one Velu and as a security, he executed a Power of Attorney in favour of the said Velu with regard to his land. It is alleged that the said Velu had sold the subject property without the knowledge of the defacto complainant and her husband. When the same was questioned by the defacto complainant and her husband, the said Velu demanded to execute the sale deed with regard to the land which belongs to the defacto complainant. The defacto complainant also executed a sale deed in favour of the said Velu's wife and failed to return the land belongs to the defacto complainant's husband. Thereby, the said Velu cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the

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petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the Intervener would submit that the accused persons conspired together and cheated the defacto complainant and did not return her husband's land to them. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the the petitioner herein is a relative of the first accused and he is also involved in the said crime. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

6. It is seen that while pending anticipatory bail petition, the parties amicably settled their issue by a Memorandum of Understanding, dated 30.08.2022.

7. 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.

8. 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 Judicial Magistrate, Komarapalayam, 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 as and when required for interrogation.

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

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[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.

01.09.2022
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