



Crl.O.P.No.19414 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 294(b), 417, 420 and 506(i) IPC, in Crime No.1245 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is doing construction business, approached the petitioner about the availability of land at Gandhi Managar premises. Further, the petitioner introduced other three persons to the defacto complainant and they had shown the original allotment order and sketch of the land. Thereafter, the defacto complainant visited the site and also scrutnized the documents and decided to purchase the vacant land. As such, the defacto complainant paid Rs.5000/- as token advance and fixed the land price as Rs.7,75,000/-. Thereafter, the accused persons neither secured land nor returned the amount. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner to show his bonafide without prejudice to his rights of defence, he is ready and willing to deposit any reasonable amount as imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that there the petitioner along with other accused received huge sum of money in order to secure land and cheated the defacto complainant. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are two accused in this case, he petitioner is arrayed as A1. The petitioner claimed him to be a power holder of the said property and received a sum of Rs.7,75,000/- on various occasions from the defacto complainant and promised to executed sale deed in favour of the defacto complainant. Thereafter, he refused to execute any sale deed in favour of the defacto complainant. The second accused is the



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guardian of the late Amsavalli's daughter, she submitted that the petitioner is the broker and he received Rs.5000/- as commission.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.3,50,000/- to the credit of defacto complainant, within a period of two weeks. On such deposit, the petitioner is ordered to be released on bail.

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 from the date on which the order copy made ready, before the Chief Judicial Magistrate-II, Coimbatore, 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:



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[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 deposit a sum of Rs.3,50,000/- to the credit of defacto complainant, within a period of two weeks.

[c] the petitioner 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.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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