



Crl.O.P.No. 19631 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC, in Crime No.6 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A3 is the registering authority. A1 and A2 impersonated as defacto complainant and registered a sale deed with the help of the petitioner herein. It is also alleged that A1 and A2 received a sum of Rs.78,852/- from the defacto complainant for payment of deficit stamp duty to register the sale deed and failed to return the original documents to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the registered sale deed was handed over to A1. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there are totally 3 accused in which the petitioner is arrayed as A3.



The petitioner is the registering authority. A1 and A2 impersonated as defacto complainant and registered a sale deed, without the knowledge of the defacto complainant and cheated him. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

5. Even according to the case of the prosecution, the petitioner is the registering authority. After registration, the registered sale deed was handed over to A1.

6. Considering the above fact and circumstances of the case, the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 is made ready, before the learned Judicial Magistrate, Kotagiri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



CrI.O.P.No. 19631 of 2022

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 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.

22.08.2022

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