



Crl.O.P.No.20134 of 2022

Crl.O.P.No.20134 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420 and 506(i) IPC in Crime No.194 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the property of the defacto was sold out by the petitioner herein and the said transaction, the petitioner has to return a sum of Rs.5 lakhs to the defacto complainant. Thereafter, the petitioner, without repay the amount, prepared a bogus document as though the defacto complainant had received a sum of Rs.4 lakhs from the mother of the petitioner and sent a legal notice to the strength of the bogus document. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. Therefore, he prays to grant anticipatory bail to the petitioner.



CrI.O.P.No.20134 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that the the petitioner received Rs.5 lakhs from the defacto complainant in order to sell the property, which belong to the defacto complainant and involved in cheating. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the defacto complainant entrusted the petitioner to sell the property. After sold out the property to the tune of Rs.5 lakhs, the petitioner instead paying Rs.5 lakhs, he paid only Rs.1 lakh to the defacto complainant and failed to pay the remaining amount.

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 pay the remaining amount of Rs.4,00,000/- directly to the defacto complainant, within a period of four weeks from the date of receipt of a copy of this order, on such payment the petitioner is ordered to be released of bail.



CrI.O.P.No.20134 of 2022

WEB COPY

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 learned Judicial Magistrate-I, Vellore, 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 pay the remaining amount of Rs.4,00,000/- directly to the defacto complainant, within a period of four weeks from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of six weeks and thereafter as and when required for interrogation.



Crl.O.P.No.20134 of 2022

WEB COPY

[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]**.

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

25.08.2022

ata



WEB COPY



Crl.O.P.No.20134 of 2022

G.K.ILANTHIRAIYAN, J.
ata

Crl.O.P.No.20134 of 2022

25.08.2022