



Crl.O.P.No.20327 of 2022

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

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 406 and 34 IPC in Crime No.19 of 2022, on the file of the first respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Purushothaman, borrowed a sum of Rs.14 lakhs that he represented that he will purchase the Flat at Third Street, New Colony in the name of the defacto complainant. Believing his words and also knows the petitioner for years, the defacto complainant transferred the said amount to the account of the petitioner's son. After receiving the said amount, he did not registered the said Flat in the name of defacto complainant instead the petitioner registered in his favour. Hence the complaint.

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



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4. It is seen that there are two accused in this case in which, the petitioner is arrayed as A2. The first accused is the son of the petitioner and the allegation is that the defacto complainant invested a sum of Rs.16,33,000/- for real estate business. Thereafter, the accused persons never shared any profit to the defacto complainant and also refused to return the said amount. Further, there is no evidence to show that the defacto complainant paid the said amount to the petitioners.

5. Considering the facts and circumstances of the case, custodial interrogation of the petitioner is not required in this case. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Alandur, 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,



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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 appear 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.

[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.

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