



Crl.O.P.No.21659 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 409, 418, 420, 465 and 506(ii) of IPC in Crime No.8 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant owned property measuring an extent of 0.851/4 cents comprised in Survey Nos.384/1A, 384/3A1, 384/3A2, 385/1A, 385/1B, 385/1C, 384/1B situated at Padur Village, Thiru Porur, Chengalpattu District. The *de-facto* complainant to deal with the said property executed a power of attorney in favour of the first accused vide Registered Document No.9909 of 2017 dated 25.09.2017 on the strength of the power of attorney, the first accused executed a sale deed in favour of the petitioner/A2 vide sale deed dated 08.02.2018, registered as Document No.1424 of 2018 for a total sale consideration of Rs.1,54,00,000/- (Rupees One Crore and Fifty four lakhs only). However, A1 after receipt



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of the entire sale consideration, failed to pay any sale consideration in favour of the *de-facto* complainant. The first accused issued two cheques for the total sale consideration and both the cheques were returned dishonoured for the reasons “insufficient funds”. That apart, on the strength of the sale deed, the petitioner/A2 executed agreement of sale in favour of one Mohan. On the said agreement for sale and sale deed, the accused persons also threatened the *de-facto* complainant and also assaulted him to vacate the premises. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that *de-facto* complainant executed Power of Attorney in favour of A1. A1 in turn sold the property to A2/petitioner herein and failed to repay the amount to the *de-facto* complainant.



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5. The petitioner is arrayed as A2. He purchased the property from A1 who is the Power of Attorney of *de-facto* complainant. On perusal of the statement of accounts, the entire sale consideration was paid to the A1. However, A1 failed to settle the said amount to the *de-facto* complainant. Now, A1 was arrested and released on bail.

6. Considering the above fact and circumstances of the case, 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 made ready, before the **learned Judicial Magistrate, Chengalpattu**, 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



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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 four 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]**.



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

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