



Crl.O.P.No.20965 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC, in Crime No.240 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that one Kalaivani, she entered into an unregistered lease agreement with the mother of the petitioner by paying an amount of Rs.15 lakhs in the year 2018 and during the year 2019, she wanted to vacate from the premises and ask for return of money. The owner of the property had agreed to repay the said amount. However, he has not returned the money. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner's mother and the defacto complainant had entered into a lease agreement. Thereafter, the petitioner's mother died on



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22.02.2020 and all of a sudden, the defacto complainant had asked for return of money at that time the petitioner was unable to raise fund and the defacto complainant is still holding the possession of the petitioner's property whereas, the defacto complainant has given a false complaint as if the petitioner and his mother cheated her. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner's mother had entered into a lease agreement with the defacto complainant. Pursuant to which, the mother of the petitioner had received a sum of Rs.15 lakhs. Now, when the defacto complainant asked for return of money, they have refused to return the money. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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6. Accordingly, the petitioner is directed to be released on bail in the event of his 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 Court No.2, Alandhur**, on condition that the petitioner shall execute a separate 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 report before the respondent police on every Friday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m until further orders.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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