



Crl.O.P.No.21222 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.1328 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that on 12.04.2016, the petitioner leased the property situated at No.F2/8, Kurinji Flats, Mogappair Eri Scheme, Chennai-37 to the defacto complainant on lease agreement for eleven months and also had a refundable security deposit of Rs.6,50,000/-. On 20.04.2016, the petitioner offered to sell the flat to the complainant for Rs.36,00,000/- vide a sale agreement and Rs.6,50,000/- paid as sale consideration. Though the complainant insisted to execute sale deed, the petitioner evaded for one and a half years. Thereafter, defacto complainant came to know that the property was already mortgaged to the Corporation of Chennai vide mortgage deed dated 21.03.2012. Further, the complainant spent a sum of Rs.4,11,500/- towards renovation of the premises. Hence, the complaint.



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

4. The learned Additional Public Prosecutor would submit that the petitioner suppressed the fact of mortgaging the property with Corporation of Chennai and tried to sell the property. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that FIR is pending on the file of the respondent police for about five years, but no steps have been taken in this regard. Therefore, custodial interrogation of the petitioner is not required in this case. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Ambattur, 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 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.



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[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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