



Crl.O.P.No.22799 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 offences punishable under Sections 392 & 394 of IPC in Crime No.304 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused in the guise of taking the de-facto complainant for a real estate transaction, asked him to bring Rs.2,50,000/- and thereafter, took him to a secluded place and intimidated him at knife point, had robbed the said amount from the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the de-facto complainant are known to each other and they were doing real estate business. He would further submit that due to the dispute between them, the de-facto complainant has lodged a false complaint as against the petitioner. He would further submit that reading of the First Information Report will show that it is the foisted case. He would also submit that the co-accused has been arrested and enlarged on bail in



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4. The learned Government Advocate (CrI. Side) appearing for the respondent would submit that the petitioner along with the other accused in the guise of a real estate transaction, had taken the de-facto complainant to a secluded place and robbed a sum of Rs.2,50,000/- from him. He would also submit that there is no previous case as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 No.I, Sankari** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 automatically 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 **every day at 10.30 a.m., and 5.30 pm., until further orders.**

[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 petitiones 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.

21.09.2022

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