



Crl.O.P.No.24845 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 IPC read with Section 34 IPC in Crime No.146 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other shareholders had offered to sell a land measuring 6000 sq.ft comprised in T.S.No.154, situated at Kottur Village, Guindy Taluk, Chennai District to the defacto complainant and received a sum of Rs.1,02,50,000/- and thereafter refused to execute the sale deed and cheated the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that as far as the petitioners are concerned, they are only the half share owners of the property and it is submitted that the first petitioner had received only an amount of Rs.10,00,000/- from the defacto complainant and the major amount has been paid to the other shareholders. He would submit that the defacto complainant had earlier sent a legal notice and the first



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petitioner had also sent a suitable reply stating that she had received only Rs.10,00,000/- and the balance amount was not paid to her. He would further submit that the defacto complainant, in order to knock the property of the petitioners has filed a false complaint as against them. He would further submit that the defacto complainant has also filed a civil suit for specific performance in O.S.No.178 of 2022 before this Court and the same is pending. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners along with another person are the owners of the property in T.S.No.154, situated at Kottur Village, Guindy Taluk, Chennai District. It is alleged that the petitioners along with other accused have received an amount of Rs.1,02,50,000/- towards sale consideration for the said property and thereafter, they have refused to execute the sale deed and cheated the amount paid to the defacto complainant. Hence, he vehemently opposed to grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned



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Government Advocate (Crl.Side) and perused the materials available on
record.

6. Taking into consideration the facts and the submissions made by the learned counsel and that the suit filed by the defacto complainant for specific performance is also pending before this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate Court for exclusive trial of C.C.B and C.B.C.I.D cases, Egmore, Chennai on condition that the petitioners shall execute a separate 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 dismissed and on further condition that:



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[a] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

26.10.2022

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A.D.JAGADISH CHANDIRA, J.

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26.10.2022