



Crl.O.P.No.26326 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 420 and 406 IPC, in Crime No.239 of 2022, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had acted as a mediator between the defacto complainant and the third parties. While so, the agreement entered between the parties was cancelled and the defacto complainant handed over the sale consideration amount of Rs.8,00,000/- to the petitioner for getting it over to the persons to whom he had entered into agreement. However, the petitioner failed to settle the said amount to the third parties. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is a real-estate broker and he had acted as a mediator in respect



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of the sale of the defacto complainant's property, for which the defacto complainant had received a sum of Rs.8,00,000/- from the third parties. Later, without the knowledge of the petitioner and the third parties, the defacto complainant had sold the property to some other third parties and to avoid further legal consequences, a false complaint has been given against the petitioner. He would submit that the defacto complainant, till date has not produced any receipt to show that 8 Lakhs was paid to the petitioner. He would also submit that there are earlier legal notices pending between the parties. However, without prejudice to his rights, he is prepared to deposit the original title deed as security to the credit of Cr.No.239 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

5. Per contra, the learned Government Advocate (Crl. Side) for the respondent police would submit that the petitioner had misappropriated the amount of Rs.8,00,000/- handed over by the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner is ready to deposit immovable property either belonging to the petitioner or his friends or relatives to the value of 8 Lakhs to the credit of Cr.No.239 of 2022 within a period of two weeks from the date of receipt of a copy of this order, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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 Judicial Magistrate Court No.II, Jayankondam, on condition that each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of



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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 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 deposit the original title deed of immovable property (either belonging to himself, friends or relatives) worth about Rs.8,00,000/- (Rupees Eight Lakhs) to the credit of Crime No.239 of 2022 before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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



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himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

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

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