



Crl.O.P.No.27970 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Sections 406 and 420 of IPC in Crime No.762 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the accused had represented to the de-facto complainant that they intended to purchase her property and they had taken the original title deeds under the guise of verification in the year 2020 and thereafter, they neither registered a sale deed nor returned the original title deeds and without the knowledge of the de-facto complainant, they had pledged the original title deeds with A6 & A7 to the tune of Rs.13 lakhs and had cheated the de-facto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A1 in this case. The allegation is that the petitioner acted as a mediator and introduced A6 to the defacto complainant. He would submit that other than introducing the defacto complainant to A6 as a broker, the petitioner has nothing to do with the alleged offence. He would submit that A2 has been arrested and enlarged on bail by this Court in Crl.OP.No.26560 of 2022 dated 02.11.2022, finding that the original documents has been recovered from



A6 and handed over to the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is arrayed as A1 in this case, along with the other accused cheated the de-facto complainant under the guise of purchasing her property, taken the original title deeds from her for the purpose of verification and pledged it with the sixth and seventh accused to the tune of Rs.13 lakhs without the knowledge of the de-facto complainant. He would submit that the original documents have been recovered by the respondent police from the sixth accused and handed over to the defacto complainant. He would also submit that A2 has been released on bail by this Court in Crl.OP.No.26560 of 2022 dated 02.11.2022. However, he oppose for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), that the original title deeds has been recovered and this Court has also granted anticipatory bail to A2, 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 ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Thiruvottriyur, on condition that the petitioner shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen 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 10.30am until further orders.

[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]***.



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A.D. JAGADISH CHANDIRA. J,

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

With the above directions, this Criminal Original Petition is ordered.

16.11.2022

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