



Crl.O.P.No.28109 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 406 and 420 IPC in Crime No.729 of 2022 seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Musthafa is that the petitioner had induced him stating that he is doing real estate business and in the promise of selling a plot to the defacto complainant, he had received an amount of Rs.45,000/- from him and cheated him. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a case of financial dispute has been falsely projected as a case of cheating. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the allegation against the petitioner had induced the defacto complainant stating that he is doing real estate business and in the promise of selling a plot to the defacto complainant, he had received an amount of Rs.45,000/- from him and cheated him. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, to show his bona fides is prepared to deposit a sum of Rs.45,000/- to the credit of Crime No.729 of 2022, within a period of two weeks.

6. Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand Only) to the credit of crime



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No.729 of 2022 within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Thiruvottiyur 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 dismissed and on further condition that:

[a] the petitioner and the blood related 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 a sum of Rs.45,000/- (Rupees Forty Five Thousand Only) to the credit of crime No.729 of 2022 within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.



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

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

28.11.2022

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