



Crl.O.P.No.30366 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC, in Crime No.01 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused extracted money from the de-facto complainant by giving false promise that they would buy the college of the de-facto complainant and approached him through paper advertisement and cheated him to the tune of Rs.11,50,000/-. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he was falsely implicated in this case. He further submitted that he is no way connected with the alleged offence as stated by the prosecution. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He further submitted



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that similarly placed co-accused was arrested and granted bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that the accused approached the de-facto complainant to purchase his property for a sale consideration of Rs.25,00,00,000/-. Pursuant to which, the accused have misappropriated the de-facto complainant to a sum of Rs.11,50,000/- towards registration charges and other expenses and absconded. Hence, he vehemently opposed to grant 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 entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, 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, Ooty**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 stands 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 Tuesday and Saturday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;

[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;



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[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]**;

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

22.12.2022

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