

Crl.O.P.No.1243 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 406,418,420,120(B) and 34 of I.P.C in Crime No.0272 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant were colleagues and the first petitioner provided financial assistance to the defacto complainant for purchasing a property. Thereafter the petitioners created some fraudulent documents and transferred the property in the name of the second petitioner who is the wife of the first petitioner, thereby cheated the defacto complainant to the tune of Rs.29,00,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners purchased the subject property from the owners of the land and they have also paid the sale consideration. **He further submits that the first petitioner has been arrested and he is not pressing this petition with regard to first petitioner.** Hence, he prays to grant anticipatory bail



to the second petitioner. However, the learned counsel, on instructions, further submits that the second petitioner, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as imposed by this Court.

5. The learned Government Advocate (Crl.Side) submitted that if the petitioners cheated the defacto complainant by transferring his property illegally. Hence he opposed for grant of anticipatory bail to the petitioners.

6. As the first petitioner has been arrested and released on bail, this petition is dismissed with regard to first petitioner. Considering the facts and circumstances of the case and that the second petitioner on his own volition, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7. Accordingly, the second petitioner is directed to deposit a sum of **is directed to deposit original documents of the subject property** within



a period of fifteen (15) days and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **Judicial Magistrate-I, Karaikal, Puducherry** on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)**, each 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 second petitioner is directed to deposit **original documents of the subject property** to the credit of Crime No.0272 of 2022 before the concerned Magistrate within a period of fifteen (15) days.

(b) **The second petitioner is directed to file an affidavit before the Court below that they will not create encumbrance in the subject property till the disposal of the case.**

(c) **the second petitioner shall report before the respondent police as and when required for interrogation.**

(d)the second petitioner shall not abscond either during investigation or trial;

(e)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on anticipatory 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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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