



Crl.O.P.No.1058 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 427 and 506(ii) of IPC, in Crime No.5 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner entered an sale agreement with the defacto complainant for sale consideration of Rs.55,00,000/- and paid an advance amount of Rs.50,00,000/-. Thereafter, the petitioner never turned up for registration. When the same was questioned by the defacto complainant, the petitioner abused him using filthy language and cheated him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that no such occurrence has taken place as alleged by the defacto complainant. Just to evade the due amount payable to the petitioner, the defacto complainant has given this false complaint. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner entered an sale agreement with the defacto complainant for sale consideration of Rs.55,00,000/- and paid an advance amount of Rs.50,00,000/-. Thereafter, the petitioner never turned up for registration. When the same was questioned by the defacto complainant, the petitioner abused him using filthy language and cheated him. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and the submission made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **JM II, Alandur**, 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 and on further



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condition that:

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[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 Saturday at 10.30 a.m., for a period of six weeks and thereafter as and when required.

[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].

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

19.01.2023

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