



CrI.O.P.No.4482 of 2023

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T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 467 and 471 of IPC, in Crime No.12 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner entered into a rental agreement on 01.11.2021 and fixed the advance amount and the rent amount as Rs.2,80,000/- and Rs.28,000/- respectively. Subsequently, the petitioner had paid only Rs.2,00,000/- as advance and the remaining balance of Rs.80,000/- did not paid by him and the petitioner is also failed to pay the rental amount to the tune of Rs.5,24,800/- as on 30.09.2013. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the possession of the property was handed over to the defacto complainant and the same was



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recorded in the order dated 30.01.2023 in Crl.O.P.No.599 of 2023. Hence, he

prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the defacto complainant and the petitioner entered into a rental agreement on 01.11.2021 and fixed the advance amount and the rent amount as Rs.2,80,000/- and Rs.28,000/- respectively. Subsequently, the petitioner had paid only Rs.2,00,000/- as advance and the remaining balance of Rs.80,000/- did not paid by him and the petitioner is also failed to pay the rental amount to the tune of Rs.5,24,800/- as on 30.09.2013.

6. Considering the facts and circumstance of the case and also the fact that the possession of the property was handed over to the defacto complainant, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 **Judicial Magistrate, Udhagamandalam** on condition that the petitioner shall execute a bond for a



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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 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 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.

[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.

02.03.2023

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