

Crl.O.P.No.4698 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 419, 465, 468, 471, 406, 420 & 506(i) IPC in Cr.No.136 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are brokers of real estate. The land originally belongs to one Sujatha and Abilesh, who are living in USA. Taking advantage of their absence, these petitioners, who are brokers, identified the land, caused impersonation and created sale agreement and received a sum of Rs.30,00,000/- as advance. Thereby, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submits that A1 only has received the money and created the sale agreement. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. hence, prays to grant anticipatory bail to the petitioners.



4. The **learned Government Advocate (Crl. side)** submits that there are totally ten accused in this case and the petitioners are ranked as A4 & A10. He further submitted that the petitioners are brokers, and knowing the absence of one Sujatha and Abilesh, who are the original land owners residing in USA, created sale agreement and received a sum of Rs.30,00,000/- as advance. He further submitted that A1 received sale agreement because of these petitioners only. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that the petitioners have no previous case and that the petitioners are ready to deposit an amount of Rs.1,00,000/- each to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit each a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.136 of 2022, and on such deposit, the petitioners are ordered to be released on anticipatory 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-I, Poonamalee, Thiruvallur District***, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties out of which one surety shall be a blood surety, 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to deposit each a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of Crime No.136 of 2022 and the defacto complainant is permitted to withdraw the said deposit amount on proper identification and acknowledgment;

(c) the first petitioner shall report before the respondent police every Tuesday and Sunday at 10.30 a.m. until further orders.

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(d) The second petitioner shall report before the respondent police every alternative at 10.30 a.m., until further orders.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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 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;

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

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