



Crl.O.P.No.6509 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 and 506(ii) IPC in Crime No.63 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Afroskhan is that the accused had agreed to sell their property and received an advance amount of Rs.2.00 lakhs and handed over the original documents to him. Since the accused did not execute the sale deed, the defacto complainant had filed a Civil Suit in O.S.No.225 of 2022 on the file of the District Munsif, Ranipet. While so, the accused have given a false complaint stating that the original documents are lost and thereby, they have entered into a partition deed between themselves and when the defacto complainant had questioned the same, the accused have attempted to assault the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that



Crl.O.P.No.6509 of 2023

the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the defacto complainant had cheated the petitioner and his brother and thereafter, entered into a sale agreement and thereafter refused to pay the balance amount, and execute the sale deed and the petitioners were financial distress, they had partitioned the property between themselves. There is Civil Suit already filed by the defacto complainant before the Civil Court and he would seek for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) for the respondent would submit that accused/A1 entered into sale agreement with the defacto complainant, however, refused to execute the deed and refused the transfer the disputed property. He would further submit that the Suit in O.S.No.255 of 2022 is pending between the accused/A1 and the defacto complainant before the Ranipet Civil Court. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available



Crl.O.P.No.6509 of 2023

on record.

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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 subject to the following conditions:

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 District Munsif cum Judicial Magistrate, Ranipet**, 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 stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs



CrI.O.P.No.6509 of 2023

and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks;

[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.

27.03.2023

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Crl.O.P.No.6509 of 2023

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Crl.O.P.No.6509 of 2023

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