



Crl.O.P.No.8200 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Section 420 IPC, in Crime No.05 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the respondent that the defacto complainant had entered into an agreement of sale with the petitioner herein with respect of purchase and sale of land. For that purpose, it is the specific case of the defacto complainant that he had paid a sum of Rs.5,000/- on 15.09.2021, on 24.09.2021 a sum of Rs.15,00,000/- through D.D.No.223913, on 24.11.2021 a sum of Rs.35,00,000/- through cash, on 01.03.2022 a sum of Rs.45,80,000/- through D.D.No.001777, totally, Rs.95,85,000/- to the defacto complainant.

3. It is however contended by the learned counsel for the petitioner that the defacto complainant as such had given a sum of Rs.15,00,000/- through Demand Draft and the other amounts had been given by yet another company, in which the defacto complainant has no connection. An affidavit



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has been filed by the petitioner that he would deposit a sum of Rs.15,00,000/- to the credit of the crime number in an interest bearing account. It is also stated that he is possessed of properties and willing to deposit the original title deeds of the properties with the Court. It is also contended that the other demand draft for Rs.45,00,000/- had been given only by Nilkamal Limited, but they have not lodged a complaint and FIR was not registered on the basis of their particular complaint.

4.Taking all the factors into consideration and in view of the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner **with a direction to deposit Rs.15,00,000/- to the credit of crime No.05 of 2023 and on such deposit, the learned Judicial Magistrate - II, Krishnagiri, may hand over it to the defacto complainant on proper identification and undertaking. The petitioner is also directed to deposit the title deeds with respect to the lands in Natham old Survey Nos.45/2, 37/1, 30/13B, 30/14, renumbered as Natham new Survey No.45/41, 45/37, 45/42, 37/1A, 30/13B7, 30/14A Enusonai Post, Shoolagiri Taluk, Krishnagiri District – 635117 admeasuring a total extent of 6434 sq.ft to the credit of the**



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aforementioned crime number. The said documents may be retained by the learned Judicial Magistrate - II, Krishnagiri and a communication may be issued by the learned Judicial Magistrate to the jurisdictional Sub Registrar to effect no encumbrance over the said land.

5. 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 Judicial Magistrate - II, Krishnagiri**, 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 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.



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[b] the petitioner shall report before the respondent Police daily morning at 10.00 a.m. until further orders.

[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;

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