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Crl.O.P.No.9055 of 2023

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**S.SOUNTHAR, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **294(b), 506(ii) and 420 of I.P.C in Crime No.553 of 2022**, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant entered into part agreement with the petitioner in unregistered sale deed on 16.12.2019 and received an advance of Rs.10,60,000/-. The remaining balance amount of Rs.36,00,000/- was assured to pay within three months, but she failed to pay part of remaining amount for the past three years. While being so, the petitioner filed a suit for specific performance in O.S.No.489 of 2022 on the file of the Sub-Court, Virudhachalam and the same is pending. Accordingly, the complaint was registered against the petitioner.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submit that the husband of the petitioner was already arrested and released on bail in Crl.O.P.No.31621 of 2022 dated 06.01.2023 by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is an ostensible owner of property and she entered into a contract for sale. He would submit that both parties entered into a part agreement and thereafter, the defacto complainant failed to execute remaining part of agreement with her, thereby the petitioner failed to repay the amount. He would submit that the disputed property is a public pathway. He would also submit that if she is released on bail, she would tamper the witnesses and hamper the investigation and the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioner.



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5. Heard both sides and perused the materials available on record.

6. Having regard to the facts of the case and the taking into consideration the co-accused was released on bail, this Court is 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 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 Court, Kurinjipadi** 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



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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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

**[b] the petitioner shall report before the respondent police once in a week at 10.30 a.m. for a period of four weeks and thereafter 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 petitioners 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.

**04.05.2023**

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