



Crl.OP.No.10279 of 2023

Crl.O.P.No.10279 of 2023

S.SOUNTHAR, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 of IPC in Crime No.107 of 2023, seeks anticipatory bail.

2. The allegations against the petitioner is that the defacto complainant and the petitioner had entered into a sale agreement and the petitioner had received an advance of sum of Rs.5 lakhs and failed to execute the sale agreement. Hence, this complaint.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the case. He would further submit that it is a civil dispute and criminal colour has been given which would disclose from the very reading of the FIR. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.OP.No.10279 of 2023

WEB COPY

4. The learned Government Advocate (Crl.Side) raised formal objection and opposed to grant anticipatory bail to the petitioner.

5. Having regard to the allegations made against the petitioner which appear to be civil in nature and other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Kattumannarkoil, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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:



CrI.OP.No.10279 of 2023

[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 daily at 10.30 a.m. for a period of two 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

05.05.2023

dhk/kan



WEB COPY



Crl.OP.No.10279 of 2023

S.SOUNTHAR, J.

dhk/kan

Crl.O.P.No.10279 of 2023

05.05.2023