



CrI.O.P.No. 10959 of 2023

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K.KUMARESH BABU, J.

The petitioner/A2, who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 406 and 420 read with Section 34 of IPC in Crime No. 230 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that there was some property dispute between the petitioner herein and the de-facto complainant and also the petitioner along with other co-accused had cheated the de-facto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with other accused had cheated the de-facto complainant in respect of property dispute and the civil dispute is pending before the appropriate civil forum between the parties. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above fact 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 their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned **Metropolitan Magistrate Exclusive Trial of CCB and CBCID Cases, Chennai**, 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



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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.

[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 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.

18.05.2023

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