



Crl.O.P.No.11579 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC in Crime No.526 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mahadevan is that the first accused was known to the defacto complainant, since he was a member of the trade union, he had promised that he would construct 50 houses for the labourers of the transport department and on such assurance, the accused along with his daughter and son-in-law and other friends had induced him and believing the same, the defacto complainant had sent an amount to the tune of Rs.27,50,000/- to them whereas the accused had cheated him by not getting contract for construction of the houses and later the accused had threatened him. Further, the defacto complainant had given the complaint before the respondent police and during such enquiry, the accused had sought on apology and thereby the case was closed.



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However, since the accused had cheated the defacto complainant, the present complaint was filed by him. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there was some financial transaction during the year 2016 and the respondents have also repaid the amount, whereas a false complaint has been given after 7 years to recover the amount by police action. He further submit that the first petitioner is a senior citizen and the other petitioner are his relatives and family members and they have been unnecessarily roped in this case. He further submitted that the first petitioner, to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit the original title deeds of immovable property for Rs.20 lakhs (standing in the name of petitioner or his relatives or his friends) to the credit of Crime No.526 of 2022. Hence, he prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the accused had induced the defacto complainant on the assurance of getting contract for construction of houses and they have taken a sum of Rs.27,50,000/- from the defacto complainant and cheated him. He would submit that further transaction was alleged to hve happened during the year 2016 and the complaint has been given on 02.07.2022. Hence, he object for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel also taking note of the fact that the the first petitioner is ready to deposit original title deeds of documents of immovable property worth Rs.20 lakhs at the time of furnishing the sureties, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioners are 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 made ready, before the learned Judicial Magistrate No.I, Kallakurichi on condition that each of the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police everyday at 6.30 p.m., until further orders.



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC;

14.06.2023

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