



Crl.O.P.No.13646 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC in Crime No.348 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the accused, under the guise of handing over the house on lease, received a sum of Rs.14 lakhs and cheated the defacto complainant by neither returning the money nor handing the house on lease. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the case of the civil dispute has been falsely projected the case of cheating. He further submitted that the defacto complainant had approached the petitioner for taking a flat on lease and he had agreed to pay a sum of Rs.20 lakhs. Based on the assurance, the petitioner had vacated the tenant in the premises. He further submitted that the petitioner had agreed to take lease of the said flat for a sum of Rs. 20 lakhs and he had paid a sum of Rs.14 lakhs as advance. The petitioner had paid the amount to the earlier tenant and he had vacated and



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subsequently the defacto complainant refused to take the flat and had asked the landlord for return of money immediately. Since, the petitioner was unable to pay the amount, a false complaint has been given. However, he would submit that as on date, an amount of Rs.10 lakhs has been repaid to the defacto complainant and the balance amount of Rs.4 lakhs remains to be paid and the petitioner has filed an Affidavit of Undertaking before this Court that he would pay the balance amount of Rs.4 lakhs in six instalments i.e., (i) on 23.07.2023 – Rs.75,000/- (ii) 23.08.2023 – Rs.75,000/- (iii) on 23.09.2023 – Rs.75,000/- (iv) 23.10.2023 – Rs.75,000/- (v) on 23.11.2023 – Rs.75,000/- and (vi) on 23.12.2023 – Rs.75,000/- and thereby would seek for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioner had received an amount of Rs.14 lakhs from the defacto complainant for house on lease. Later the petitioner cheated the defacto complainant by neither returning the money nor the house on lease. He further submitted that a sum of Rs.10 lakhs has already been paid.



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

6. Considering the above facts and circumstances of the case and the submissions made on both sides and the petitioner is also filed an Affidavit of Undertaking to repay the amount by way of six instalments, 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 is made ready, before **IV Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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:



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[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 on first Saturday of every month at 10.30 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.

8. List the matter “for reporting interim compliance” on 28.08.2023.

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