



Crl.O.P.No.14329 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 under Sections 419, 465, 468, 471, 406, 420 & 506(i) IPC in Cr.No.136 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a broker of real estate. The land originally belongs to one Sujatha and Abilesh, who are living in USA. Taking advantage of their absence, the petitioner along with other accused, by impersonation, executed a sale agreement and received a sum of Rs.30,00,000/- as advance from the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that this is the 2nd application for anticipatory bail. The petitioner along with another accused, had filed a petition for anticipatory bail in Crl.O.P.No.4698 of 2023 and this Court by order dated 02.03.2023 granted anticipatory bail to them on condition to deposit a sum of Rs.1



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lakh each to the credit of crime number. However, due to old age, the petitioner was unable to raise the fund and thereby, the earlier order got lapsed. He would submit that with great difficulties, the petitioner has raised the amount and now he is ready to deposit the said amount of Rs.1 lakh to the credit of crime number and he has no objection in the amount being paid to the defacto complainant and he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submits that only on the submissions made by the petitioner that he is ready to deposit a sum of Rs.1 lakh, this Court had granted anticipatory bail to the petitioner. However, the petitioner has failed to deposit the amount. He would further submit that the other accused/A10 has deposited the amount to the credit of crime number.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.



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6.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the petitioner was earlier granted anticipatory bail by this Court and now the petitioner is ready to deposit a sum of Rs.1 lakh to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.136 of 2022, and on such deposit, 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 Judicial Magistrate-I, Poonamalee, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) **with two sureties out of which one surety shall be a blood surety**, 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



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Magistrate concerned 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.136 of 2022 and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount on proper identification and acknowledgement;

(c) the petitioner shall report before the respondent police every Tuesday and Sunday at 10.30 a.m. until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions,



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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