



Crl.O.P.No.16151 of 2023

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**C.V.KARTHIKEYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420 and 423 IPC in Crime No.20 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had alleged that the petitioner had purchased a property in Survey No.75/14 BID, 75/8 in measuring 803 Sq.ft. on 07.09.2020 for total sale consideration of Rs.56,21,000/- (Rupees Fifty Six Lakhs and Twenty One Thousand Only). The document was registered before the Sub-Registrar, Katpadi, Vellore District in document No.5780/2020. It is stated that the balance sale consideration of Rs.20,21,000/- (Rupees Twenty Lakhs and Twenty One Thousand Only) had not been paid. In view of that particular fact, the complaint had been lodged and hence, this case.

3. The learned counsel for the petitioner stated that the



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guideline value of that particular area is Rs.171 per Sq.ft. and therefore, states that more than value of the guideline, the sale consideration has been paid. The issue can be examined during the course of the trial.

5. In view of these circumstances, this Court is inclined to grant anticipatory bail to the petitioner, subject to the payment of Rs.5,00,000/- (Rupees Five Lakhs Only) by the petitioner to the credit of the Crime No.20 of 2023 before the Judicial Magistrate, Katpadi. The amount shall be invested in a interest bearing Fixed Deposit by the learned Judicial Magistrate. On conclusion of trial, if the petitioner/accused is acquitted, the amount along with the interest may be handed back to the petitioner/accused. But if the petitioner/accused is convicted, the amount together with interest may be handed over to the defacto complainant.

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 Judicial Magistrate, Katpadi**, on condition that the petitioner shall execute a



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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 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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.**

**[c] the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of the Crime No.20 of 2023 before the Judicial Magistrate, Katpadi. The amount shall be invested in interest bearing Fixed Deposit by the learned Judicial Magistrate. On conclusion of trial, if the petitioner/accused is acquitted,**



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**the amount along with the interest may be handed back to the petitioner/accused. If the petitioner/accused is convicted, the amount together with the interest may be handed over to the defacto complainant.**

[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, 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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**C.V.KARTHIKEYAN, J.**

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