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Crl.O.P.No.16103 of 2023

Crl.O.P.No.16103 of 2023
and
Crl.M.P.No.12897 of 2023
RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 420 and 506(1) of IPC in Crime No.200 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 25.01.2023, the de-facto complainant lodged a complaint that the petitioner has cheated him a sum of Rs.16,30,000/- as per the civil works agreed to level the uneven lands at Pathakotta-8 1/2 acres and Athimugam - 20 acres and Pungandoddy - 5 acres compound construction and it was not done in complete manner. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely complicated in this case. Further he submits that the de-facto complainant with his greediness lodged the present complaint with regard to offence of cheating and mischief is made against the petitioner for the work already completed and nearly after one year the present complaint is made that



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civil works are not completed. He also submits that the respondent police has registered the F.I.R based on the directions of the jurisdictional magistrate on 28.04.2023 in C.M.P.No.630 of 2023 and further without conducting any enquiry nor without issuing notice for the false complaint and without conducting proper verification and without taking valid evidences into record the present complaint was registered. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel for the intervenor submits that the respondent approached the de-facto complainant and assured to complete the said construction building work and the petitioner failed to carryout the work. Hence, he vehemently opposed to grant the anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the dispute is civil in nature for the construction of building compound. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and the learned counsel for the intervenor and perused the materials available on record.

7. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 learned Judicial Magistrate, Hosur, Krishnagiri District, on condition that the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 everyday 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 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];**



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;
[g] Consequently, connected Crl.M.P is closed.

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28.08.2023