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Crl.O.P.No.18677 of 2023

**Crl.O.P.No.18677 of 2023 and
Crl.MP.No.13417 of 2023**

RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 406, 420, 120B, 294(b), 323 & 506(ii) of IPC in Crime No.77 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 & A3 have executed an unregistered sale agreement dated 06.03.2008 with the defacto complainant for a sum of Rs.2,04,000/- as a part of sale consideration. Suppressing the same, A1 & A3 sold the property to some other person on 23.02.2013. The defacto Complainant had filed a suit on the file of the Sub Court at Rasipuram and thereafter suit has been withdrawn based on the undertaking of A1 & A3 as settlement to provide alternative land in S.No.125/1B to an extent of 15 cents to him. Subsequent to the settlement, they cheated the defacto complainant without registering the land as agreed by them and threatened him with dire consequences. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner voted against the ruling party in the planning commission election of the District Panchayat and therefore, he was falsely implicated in this case.



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There is no specific allegation as against the Petitioner/A4 in the complaint.

Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Petitioner is A4 and there is overtact against the Petitioner. He vehemently opposed to grant anticipatory bail to the Petitioner.

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

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the fact that in earlier complaint dated 27.07.2019, there is no whisper against this Petitioner and it is a civil matter, 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 made ready, before the **learned Judicial Magistrate, Rasipuram, Namakkal District** on condition that the Petitioner 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



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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 report before the Respondent Police, on everyday at 10.30 am for a period of three weeks and thereafter as and when required;

[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 Petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

Consequently, connected Miscellaneous Petition is closed.

25.08.2023

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RMT.TEEKAA RAMAN, J.

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