



Crl.O.P.No.19834 of 2023

**Crl.O.P.No.19834 of 2023
and
Crl.MP.No.14206 of 2023**

RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Section 420, 406 & 506(ii) of IPC in connection with CSR.No.526 of 2023 in Crime No.not known of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant, sold her property to someone and for the same sale consideration has not been given to him. Hence, the complaint.

3.The learned Counsel for the Petitioner would submit that initially the Petitioner had interest to purchase the Defacto Complainant's property and paid a sum of Rs.50,000/- on 03.02.2023 and thereafter, he came to know that there is some dispute in the said property and informed his unwillingness to purchase the property to the Defacto Complainant. 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 there is money transaction between the parties, with regard to purchase of property. Hence, he opposed for grant of anticipatory bail to the



Petitioner.

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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, I find that the Defacto Complainant is the owner of the property, who intends to sell the same, after the execution of sale deed, A4 and his wife has not paid the sale consideration. The present Petitioner is A3, who is said to have paid advance amount of Rs.50,000/- to the Defacto Complainant, the same was also not returned to the Petitioner. Hence, 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, Ambattur**, 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 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 everyday at 10.30 a.m., 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.

07.09.2023

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