



Crl.O.P.No.20188 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of I.P.C in Crime No.Not known of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner's father was doing a real estate business and the de-facto complainant approached him and booked house site. The total value of the plot is about Rs.37,95,000/- and she paid advance of Rs.10,35,000/- and remaining amount will be paid in 72 installments in every month. Meanwhile, the petitioner's father died. After his demise, the elder brother and his wife taken over the entire business transaction and collected money from the customers and they failed to executed sale deed in their favour. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person the he has been falsely implicated in this case.. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that now the complaint filed by the de-facto complainant has been registered in Crime No.186 of 2023 for the offence under Sections 406 and 420 of I.P.C. He further submits that after the demise of the petitioner's father, the petitioner is doing business transaction and the petitioners fails to execute the same. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, **petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.186 of 2023, within a period of three weeks from the date on which the order copy made ready,** the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen



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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 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:

[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 deposit a sum of **Rs.5,00,000/- (Rupees Five lakhs only)** to the credit of **Crime No.186 of 2023**, before the concerned Magistrate, within a period of three weeks from the date on which the order copy made ready.

[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;



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[d] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of the trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

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