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Crl.O.P.No.20441 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 420, 421, 465 & 500 of IPC, in Crime No. 286 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant alleges that the property has been misappropriated and the complainant claims that the petitioners have taken money from Rajendran from Paravakottai, and pledged the property for one year and through Medover the complainant has paid a sum of Rs.11,35,000/- to said Rajendran and the petitioners agreed to transfer the property in the complainant's name but they denied to handover the property to the complainant. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been



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falsely implicated in this case. He would further submit that the complainant has fraudulently used the signature of the 1st petitioner and wrongly mentioned the name of the father of the 1st petitioner and not only grabbed the property of the 1st petitioner but also manipulate and fraudulently grabbed the independent property of the 2nd and 3rd petitioners. The petitioners also lodged a counter complaint against the defacto complainant, which has been registered in Crime No.469 of 2021. He would also submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that there are totally four accused in this case in which, the petitioners are arrayed as A1 to A3. A1 is the mother and A2 and A3 are her sons. He would further submit that petitioners have taken money from Rajendran from Paravakottai, and pledged the property for one year and through Medover the complainant has paid a sum of Rs.11,35,000/- to said Rajendran and the petitioners agreed to



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transfer the property in the complainant's name but they denied to handover the property to the complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

6. Considering the facts and circumstances and also taking into consideration the nature and gravity of offence and the counter complaint has been registered against the complainant, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate II, Mannargudi**, on condition that the petitioners



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shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter, appear before the respondent police as and when required for interrogation.

[c] the petitioners 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



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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]**.

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

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