



Crl.O.P.No.21775 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A5 who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 IPC in Crime No.3 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and four others are alleged to have cheated the defacto complainant by executing a sale deed. Hence the case was registered against the petitioner.

3.The learned counsel for the petitioner submitted that, in so far as the petitioner is concerned, the only overt act as alleged in the complaint was that he had helped in preparing the sale agreement. It is however, contended that A1, A3 and A4, who had been taken into custody had been granted bail. Hence, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner and others cheated the defacto complainant by executing a sale deed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the fact and circumstances of the case,



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6. 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 No.II (FAC), Dharmapuri, on condition that the petitioner shall execute a 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 report before the respondent police at 10.30 a.m., on every Saturday for a period of six weeks and thereafter as and when required for interrogation.

[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



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trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.10.2023

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