



WEB COPY



Crl.O.P.No.21292 of 2023

Crl.O.P.No.21292 of 2023

C.V.KARTHIKEYAN, J.

The petitioner herein seeks anticipatory bail in Crime No.175 of 2023 registered by the respondent Police for the offences under Sections 406 and 420 IPC.

2. The learned Senior counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in Crime No.175 of 2023 registered by the respondent Police for the offences under Sections 406 and 420 IPC. It is stated that the other accused is the own husband of the petitioner herein who had unfortunately expired after registration of the First Information Report. Thus, he seeks anticipatory bail to the petitioner.

3. The case of the prosecution is that, towards purchase of land, the defacto complainant had paid a sum of Rs.10,00,000/- to the petitioner and another sum of Rs.15,00,000/- to the husband of the petitioner herein. However, the land could not be sold, since they had classified the land as 'Anadeenam land'.



Crl.O.P.No.21292 of 2023

WEB COPY

4. The learned Senior counsel for the petitioner stated that the petitioner and her husband were interested in executing the sale deed, but since the husband died, the situation has turned around. It is also complained that the husband had taken away the money which had been paid to the petitioner and spent it. However, to express bonafide a sum of Rs.3,00,000/- would be deposited to the credit of Crime No.175 of 2023.

5. Taking all the factors into consideration, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

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 **XVII Metropolitan Magistrate, Saidapet, Chennai**, 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



Crl.O.P.No.21292 of 2023

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 petitioners shall deposit a sum of Rs.3,00,000/- to the credit of Crime No.175 of 2023 before the XVII Metropolitan Magistrate, Saidapet, Chennai within a period of two weeks from the date of receipt of a copy of this order. On such deposit of Rs.3,00,000/-, this Court usually directs the Magistrate to deposit the same in any interest bearing deposit. But however, since the defacto complainant has suffered loss, the learned Magistrate may hand over the said amount to the defacto complainant with proper identification and undertaking from him. If the entire issue ends in acquittal, the defacto complainant would be in an obligation to return the same.

[c] the petitioner shall report before the respondent police once in a week at 10.00.a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.21292 of 2023

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

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

07.11.2023

gd



WEB COPY



CrI.O.P.No.21292 of 2023

C.V.KARTHIKEYAN, J.

gd

CrI.O.P.No.21292 of 2023

07.11.2023