



CRL.O.P.No.27328 of 2022

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T.V.THAMILSELVI,J.

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The petitioner, who apprehends arrest for the alleged offence under Section 420 of IPC in Crime No.17 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner owns a house property at Mayiladuthurai and since the petitioner was in debt, he had approached the defacto complainant for selling 1000 sq.ft from the above property. Further, the sale price for the property was fixed as Rs.1000/- per sq.ft. and a sum of Rs.5 lakhs was paid to the petitioner by the de-facto complainant. Thereafter, the petitioner agreed to execute the sale deed in favour of the defacto complainant, after clearing the loan. The defacto complainant had executed the sale agreement with the petitioner on 20.04.2011, and subsequently the petitioner received a further sum of Rs.1,80,000/-, so far the petitioner had received a total sum of Rs.6,80,000/-. Thereafter, the petitioner neither executed the sale deed and nor returned the amount received. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, and he has been falsely



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implicated in this case. He would further submit that it is totally civil in nature and a false case has been foisted against the petitioner and the defacto complainant is the own sister of the petitioner. Already the petitioner co-operated for the Mediation, but due to the terms between the parties were not settled. Again the matter has been referred to mediation on 15.02.2023. In which, "the petitioner agreed to pay Rs.6,80,000/- without interest from 20.04.2011 for that amount. The petitioner was not agreed to pay the interest. So, the mediation was not reached." Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the defacto complainant had executed the sale agreement with the petitioner on 20.04.2011, and a total sum of Rs.6,80,000/-, sale consideration has been paid by the defacto complainant. Thereafter, the petitioner neither executed the sale deed and nor returned the money and thereby cheated the defacto complainant. He would further submit that there is no previous case pending against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, an investigation is almost completed, and this is civil in nature, this Court is inclined to grant



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anticipatory bail to the petitioner with certain conditions. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate -I, Nagapattinam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties (out of which one blood related surety) 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 on Tuesday and Friday at 10.30 a.m., for a period of 6 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 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



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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.

06.07.2023

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