



Crl.O.P.Nos.24672 & 25062 of 2023

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C.V.KARTHIKEYAN, J.

The 7th accused has filed Crl.O.P.No.24672 of 2023 and the 8th accused has filed Crl.O.P.No.25062 of 2023 seeking anticipatory bail in Crime No.495 of 2023 registered by the respondent Police for the offences under Sections 341, 395, 397 and 506(ii) IPC. Since the overtact as against the petitioners herein are the same and also the argument were advanced with respect to both the petitions, a common order is passed.

2. The facts of the case are that the defacto complainant had approached the 1st accused seeking financial assistance and offered to mortgage his property. It had been stated that the 1st accused had taken the defacto complainant to 2nd and 3rd accused and they projected that they would enter into a sale deed and also fixed the total consideration for Rs.10 crores. After registration, they had handed over the consideration of Rs.33 lakhs. It led to a further transaction and it is alleged that during the said transaction, cash and jewels were also taken away. The bail petition of 1st, 2nd, 3rd and 5th petitioners had come up for consideration before my learned predecessor and as a condition, it was directed that there must be re-conveyance of the land to the defacto complainant.



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3. It is now informed that such re-conveyance has been done. So far as stolen properties are concerned, cash has been recovered and jewels had not been recovered. But however, taking into consideration the fact that the only overtact as against the petitioners was that they were at the scene of occurrence, I am inclined to grant anticipatory bail to the petitioners.

4. Objection has been raised by the respondent with respect to the grant of relief to the 7th accused by pointing out that there are seven previous cases pending against him. But in this case, facts have to be considered independently. Since other accused had re-conveyed the land to the defacto complainant, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 **learned Judicial Magistrate-IV, Salem, Salem District**, on condition that the petitioners 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



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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 daily at 10.00.a.m., until further orders.

[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 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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