



Crl.OP.No.25881 of 2023

Crl.O.P.No.25881 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners seek anticipatory bail in Crime No.77 of 2023 registered by the respondent police for the offences punishable under Sections 406, 420, 120B, 294(b), 323 and 506(ii) of IPC with respect to an occurrence which took place on 12.02.2017.

2. It is stated that A1 and A3 had entered into an agreement of sale dated 06.03.2008 when the defacto complainant agreed to purchase their property and paid an advance amount of Rs.2,04,000/-. However, A1 and A3 had sold the property to another person on 23.02.2013. The defacto complainant then filed a suit in the Sub Court at Rasipuram. He then withdrew the suit purportedly on the undertaking that the accused had agreed to give alternate land. A complaint had been lodged that the alternate land were not provided.



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3. The learned counsel for the petitioners stated that the entire issue took place in the year 2008 and therefore stated that the complaint is malafide in nature.

4. Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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, Rasipuram* on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** 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:



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[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 jointly deposit a sum of Rs.2,00,000/- to the credit of Cr.No.77 of 2023 on the file of the learned Judicial Magistrate, Rasipuram and on such deposit, the learned Judicial Magistrate, Rasipuram may retain Rs.1,00,000/- in a fixed deposit and pass final orders of the same after conclusion of trial. The balance amount of Rs.1,00,000/- may be handed over to the defacto complainant on proper undertaking and identification.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



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[f] 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]**.

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

10.11.2023

Vv



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10.11.2023