



WEB COPY



Crl.O.P.No.25824 of 2023

Crl.O.P.No.25824 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/A2 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 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 persons are the parents of the petitioner herein. The father had unfortunately expired after registration of the First Information Report. Thus, the learned senior counsel 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



Crl.O.P.No.25824 of 2023

mother of the petitioner and another sum of Rs.15,00,000/- to the father of the petitioner herein. However, the land could not be sold, since they had classified the land as 'Anadeenam land'.

4. The learned senior counsel for the petitioner stated that the petitioner is only the daughter of the other accused persons and her father were interested in executing the sale deed, but since the father of the petitioner died, the situation has turned around. It is also complained that the father had taken away the money, which had been paid to the mother of the petitioner and spent it. However, to express bonafide a sum of Rs.2,00,000/- would be deposited to the credit of Crime No.175 of 2023.

5. Taking all these 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



Crl.O.P.No.25824 of 2023

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 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 every Monday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall deposit a sum of Rs.2,00,000/- 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, the learned



Crl.O.P.No.25824 of 2023

Magistrate may transfer the said amount to any fixed deposit interest earning account and pass final orders after conclusion of the trial. If the petitioner is acquitted, the amount with interest may be handed back to the petitioner and if the petitioner is convicted, the amount with interest may be handed over to the defacto complainant.

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

[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.

01.12.2023

smv



WEB COPY



Crl.O.P.No.25824 of 2023

C.V.KARTHIKEYAN, J.

smv

Crl.O.P.No.25824 of 2023

01.12.2023