

CRL.O.P.No.31738 of 2022WEB COPY **T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 406 and 420 of of IPC in Cr.No. 498 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that he is a Secretary of Rajasthani Association and entered into an agreement with the petitioner to sell a property and the sale consideration was fixed as Rs1,47,00,000/- and the petitioner paid a sum of Rs.1,15,00,0000/- and for the remaining balance amount Rs.32,00,000/- he has issued a cheque and later he has given stop payment for the said cheque. Thereafter the petitioner paid a sum of Rs.8,75,000/- in various instalements and Rs.23,25,000/- was not paid. Hence, the case.

3.The learned counsel appearing for the petitioner submits that he has no way connected with the alleged occurrence and he has been falsely implicated in this case. However, the learned counsel, on



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instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor would submit that the petitioner entered into an agreement for sale and thereafter he has not paid the entire sale consideration and there was a default in payment and cheated the defacto complainant. Hence he opposed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) submits that the petitioner entered into a sale agreement and thereby cheated the defacto complainant by making default in payment. Hence, he opposed for granting anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and that the petitioner on his own volition, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Two Lakhs Only) to the credit of Crime No.498 of 2022, within a period of fifteen (15) days and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned XIV Metropolitan Magistrate, Egmore, 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 and on further condition that:

(a)the petitioner is directed to deposit a sum of Rs.2,00,000/- (Two Lakhs Only) to the credit of Crime No.498 of 2022 before the concerned Magistrate within a period of fifteen (15) days.

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner is directed to appear before the respondent police every Monday and Friday at 10.30 a.m for a period of four weeks and thereafter, appear before the trial



Court on all hearing dates.

(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 anticipatory 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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