



Crl.OP.No.27460 of 2023

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WEB COPY **C.V.KARTHIKEYAN, J.**

The petitioners/belonging to one family are accused in Crime No.1164 of 2023, registered under Sections 420 and 506(i) IPC, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

3.It is the case of the respondent that the de facto complainant had given a complaint that the 1st petitioner had stated that the 2nd petitioner is possessed of a housing plot and would give it at a cheaper consideration. It is stated that a mortgage deed was entered into for a sum of Rs.10,00,000/-. Thereafter, since the mortgage amount was not returned, the property was offered for sale and a for further consideration of Rs.11,00,000/- was received. It is the grievance of the de facto complainant that neither was the mortgage amount returned nor was the sale deed executed. Both the mortgage deed and the agreement to sell, either oral or written, are enforceable agreements/contracts and there is a jurisdictional Court available to pursue remedy. There is no issue that the property documents are either forged or fraudulent or fake. In view of these circumstances, anticipatory bail is granted.



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4.Taking into consideration the facts and circumstances of the case, this Court is 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 No.I, Ambattur**, on condition that each of 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 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 **1st and 2nd petitioners** to appear before **the respondent everyday at 10.30 a.m., for a period of two weeks** and the **3rd petitioner** to appear before **the respondent once a week at 10.30 a.m., for a period of two weeks.**



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[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.

07.12.2023

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