



Crl.O.P.No.28018 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(2) of IPC in Crime No.10 of 2023, seeks anticipatory bail.

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

3.It is the case of the prosecution that the de facto complainant was a friend of this accused. This accused had insisted the de facto complainant to make an investment in a business by constituting a Partnership Firm. The de facto complainant also agreed. She had then given the title deeds of her immovable property for raising funds. This accused had received a sum of Rs.1,50,000/- from the de facto complainant. The accused had also received jewels from the de facto complainant. It is stated that the petitioner herein acting as power of attorney agent, had however sold the property for a total sale



consideration of Rs.6,00,000/- to a third party. This has necessitated lodging of a complaint and registration of FIR.

4.The learned counsel for the petitioner stated that it was this accused who had received the amounts and jewels from the de facto complainant. But however as power of attorney agent, the petitioner herein/A2 is only liable for accounts for any transaction conducted as agent of the principal.

5. In view of that particular fact, after hearing both the sides, a direction is given to the 1<sup>st</sup> accused / petitioner herein to deposit a sum of Rs.1,50,000/- to the credit of Crime No.10 of 2023, pending before the Judicial Magistrate, Vannur at Villupuram District. On such deposit, the learned Judicial Magistrate may hand over the said amount to the de facto complainant.

6.The learned counsel for the petitioner, however, stated that with respect to the money transactions a Civil Suit in O.S.No.17 of 2023 is pending on the file of the Sub Court at Tindivanam. If any decree is



passed in that particular Sub Court, either party can claim either set off or adjustment of this amount of Rs.1,50,000/-.

7. Accordingly, the petitioner/A1 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Vannur, Villupuram District, 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/A1 is directed to deposit a sum of Rs.1,50,000/- to the credit of Crime No.10 of 2023, before the Judicial Magistrate, Vannur at Villupuram District. On such



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deposit, the learned Judicial Magistrate may handed over the said amount to the de facto complainant.

[c] the petitioner/A1 to appear before the respondent police every day at 10.30 a.m, for a period of three weeks and thereafter as and when required for interrogation.

[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.

15.12.2023

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