



Crl.O.P.No.1463 of 2024

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**C.V.KARTHIKEYAN, J.**

The Petitioner/A2 in Crime No.11 of 2024 registered by the Respondent Police for the offences under Sections 120B, 419, 465, 468, 471 and 420 IPC, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant had seen an advertisement in the website regarding lease of a house and had found the phone number of Accused A1 and had contacted him and later, had paid a lease amount of Rs.7,00,000/- (Rupees Seven Lakhs only), which was transferred to the account of this Petitioner. Then, the defacto complainant had taken possession of the said house. Thereafter, the bank officials came over there and took possession and had vacated the defacto complainant. This led to lodging of complaint.

3. It is further stated that the owner of the place was one Gopal Bashiyam, who had borrowed money from several persons and had mortgaged the property with the bank. It is stated that the property was to be brought on auction and on knowing that, the Accused persons particularly



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the 1<sup>st</sup> Accused had inducted himself as a tenant and later, had advertised the lease of the property and the defacto complainant had taken possession.

4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions that **the Petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.11 of 2024 before the learned Judicial Magistrate, Ambathur and on such deposit, the learned Judicial Magistrate, Ambathur may transfer the said amount to the interest earning Fixed Deposit account and pass final orders on conclusion of trial.** 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 from the date on which the order copy made ready, before **the Learned Judicial Magistrate, Ambathur**, 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 conditions that :



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[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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.11 of 2024 before the learned Judicial Magistrate, Ambathur and on such deposit, the learned Judicial Magistrate, Ambathur may transfer the said amount to the interest earning Fixed Deposit account and pass final orders on conclusion of trial.**

**[c] the petitioner shall report before the Respondent Police daily at 10.30 a.m., until further orders.**

[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.



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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 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.

**31.01.2024**

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