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CrI.OP.No.5033 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Crime No.179 of 2023 registered by the respondent police for the offence punishable under Sections 420, 294 (b) and 506 (1) of Indian Penal Code, 1860.

2. The case of the prosecution is that the de-facto complainant had approached the first accused and requested loan amount and the first accused had demanded that the property of the defacto complainant should be changed to the name of the first accused. The defacto complainant also obliged and the name was also changed, but, however after the property had been transferred to the first accused, the first accused did not lend any amount. It is stated that the property is worth nearly about Rs.1 Crore.

3. The earlier application seeking anticipatory bail in CrI.OP.No.24814 of 2023 was dismissed on 03.11.2023. The one change



Crl.OP.No.5033 of 2024

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of circumstances is that A1, A3 and A4 had been released on bail . The role of this petitioner is that he had signed a witness in the document wherein the property was changed in the name of the first accused.

4. Learned Government Advocate (Crl.Side) stated that the petitioner was all along with the accused persons, but, it is also seen that the defacto complainant had also filed a civil suit in this regard. The specific allegations against the petitioner is that quite apart from signing as a witness, he had also threatened the defacto complainant.

5. Taking those factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 from the date on which the order copy made ready, before the ***learned Judicial Magistrate Court, Harur*** on condition that the petitioner shall



CrI.OP.No.5033 of 2024

WEB COPY

execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 everyday at 10.30 a.m., until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed



CrI.OP.No.5033 of 2024

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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Vv

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