



Crl.OP.No.9899 of 2024

Crl.O.P.No.9899 of 2024

WEB COPY

K.KUMARESH BABU, J.

The petitioners seek anticipatory bail in Cr.No.94 of 2024 registered by the respondent police for the offence punishable under Sections 406, 420 r/w 34 of IPC.

2. The case of the prosecution as per the defacto complainant Narayanan, is that during the year 2016, the petitioners received a sum of Rs.10,00,000/- by way of cash from the defacto complainant based on the binding of the original land documents and the registered sale agreement of land measuring an extent of 1875 sq.ft., property situated at Nallur Village Ponneri Taluk. The further allegation is that without the knowledge of the defacto complainant, the above said land was sold by the first petitioner to some other person, based on the Non Traceable Certificate issued by the Inspector of Police, T6 Police Station, Avadi for the missing documents dated 04.03.2016. Hence, the complaint.

3. The learned counsel for the petitioner stated that the



Crl.OP.No.9899 of 2024

petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the defacto complainant also filed a private complaint against the second petitioner in CC.No.2918/2019 before the XXIII Metropolitan Magistrate Court, Saidapet, Chennai and the same was dismissed. Hence, he prays for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for respondent submitted that the petitioners had cheated the defacto complainant to the tune of Rs.10,00,000/- by creating a forged document and the same was sold to some other person. He also stated that the investigation in this case is almost complete and also submitted that no previous case is pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



Crl.OP.No.9899 of 2024

WEB COPY

5. Taking all the 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 XVII Metropolitan Magistrate Court at Saidapet, Chennai*, on condition that the petitioner shall 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.

K.KUMARESH BABU, J.



WEB COPY



Crl.OP.No.9899 of 2024

drl

[b] the petitioner shall report before the respondent police daily 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 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.

08.05.2024

drl

Crl.O.P.No.9899 of 2024
(2/2)