



Crl.OP.No.11207 of 2024

Crl.O.P.No.11207 of 2024

WEB COPY

K.KUMARESH BABU, J.

The petitioner seeks anticipatory bail in Cr.No.1059 of 2023 registered by the respondent police for the offence punishable under Sections 406, 420 and 506(1) of IPC.

2. It is the case of the prosecution as per the defacto complainant Murali Tharan, that during the year 2020, he got information about a place for sale in Kavankarai. When he searched for the owner of the place, he came to know that the place belonged to Sai Housing & Properties. The further allegation is that the cost of the place is Rs.30,00,000/- and the petitioner talked to the defacto complainant, saying that if half the amount is paid, the contract would be signed. After that, he paid an advance of Rs.1,00,000/- and then paid Rs.4,00,000/- in cash in 5 instalments. After paying the total amount of Rs.15,00,000/-, he did not register the place in Kavankarai, but insisted the defacto complainant to register the place in Meenjoor. However, the said place was also not registered by the petitioner. Thereby, he cheated the defacto



Crl.OP.No.11207 of 2024

WEB COPY

complainant for Rs.15,00,000/- for not registering the place and also threatened with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for respondent submitted that the petitioner had cheated the defacto complainant to the tune of Rs.15,00,000/- neither registered the place nor returned the money. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:



Crl.OP.No.11207 of 2024

WEB COPY

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate, Ambattur*, on condition that the each of 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.

[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m, until further orders.

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

K.KUMARESH BABU, J.

drl



Crl.OP.No.11207 of 2024

WEB COPY

[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 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.

08.05.2024

drl

Crl.OP.No.11207 of 2024