



Crl.O.P.No.13026 of 2024

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T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.113 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that defacto complainant entered into a sale agreement with 1st accused in respect of the property to an extent of 1628 Sq.feet for a total sale consideration of Rs.8,95,400/- out of which, the defacto complainant paid a sum of Rs.4,50,000/- Thereafter, the 1st accused neither executed the sale deed nor returned the advance amount. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that petitioner is a witness in the said sale agreement and he has been falsely implicated in this case. He would also submit that the petitioner is ready to abide by any condition that may be imposed by this Court. He would further submit that co-accused was released on bail. Hence, he prays to grant anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submit that petitioner is arrayed as A2. He would submit that petitioner along with other accused cheated the defacto complainant. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, and also the fact that co-accused was granted bail, 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 XVIII Metropolitan Magistrate, 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 each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to



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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 is directed to report before the respondent as and when required for interrogation.

[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 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];;**

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[f] If the accused thereafter absconds, a fresh FIR can be registered

under Section 229A IPC.

06.06.2024

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