



Crl.O.P.No.18732 of 2024

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 454, 406, 420, 465, 468, 471, 506(1) & 34 of IPC, in Crime No.98 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased a house at No.29/30 F1, Varalakshmi Nagar, 2nd Main Street, Maduravoyal from the petitioner's mother J.Gnanavadiyu, on 27.03.2019. While being so, during the year 2021, after the lock down, when the defacto complainant visited his above said property, he came to know that the petitioner herein, broke open the house and leased out the same to some one for a sum of Rs.8,00,000/- on 09.12.2019. When the same was questioned by the defacto complainant, the petitioner along with other accused persons threatened him with dire consequences. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the subject property which was claimed by the defacto complainant was also handed over to him. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused persons cheated the the defacto complainant and also threatened him with dire consequences. He further submitted that this Court already dismissed the earlier anticipatory bail petitions filed by the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that this Court dismissed the earlier anticipatory bail petitions filed by the petitioner on 16.06.2022. Thereafter, the subject property, which is claimed by the defacto complainant was also handed to him. That apart, the investigation is still pending because of the non appearance of the petitioner in Crime No.98 of 2022. Considering the



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above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 V Metropolitan Magistrate, Egmore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 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 daily at



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10.30 a.m., for a period of four weeks and thereafter 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 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.

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