



Crl.O.P.No.24418 of 2024

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WEB C **P.DHANABAL, J.**

The petitioner apprehends arrest for the alleged offences under Section 420 of IPC in Crime No.778 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant approached the petitioner to prepare a mortgage deed on 05.04.2024 by stating that he would mortgage his property for a sum of Rs. 3,00,000/- for the education expenses of his two daughters, at that time, the petitioner stated that due to the parliamentary election, he could not withdraw the money and hence, the defacto complainant without receiving money, executed a mortgage deed in favor of the petitioner and subsequently, he only received Rs. 20,000/- through his account. After election, when the defacto complainant demanded to pay money for the mortgage, the petitioner refused to pay the amount and stated that he had registered the sale deed from the complainant after paying a sum of Rs. 6,50,000/- and thereby cheated the defacto complainant. Hence, the complaint.



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3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the defacto complainant approached the petitioner to prepare a mortgage deed on 05.04.2024 by stating that he would mortgage his property for a sum of Rs. 3,00,000/- for the education expenses of his two daughters, at that time, the petitioner stated that due to the parliamentary election, he could not withdraw the money and hence, the defacto complainant without receiving money, executed a mortgage deed in favor of the petitioner and subsequently, he only received Rs. 20,000/- through his account. After election, when the defacto complainant demanded to pay money for the mortgage, the petitioner refused to pay the amount and stated that he had registered the sale deed from the complainant after paying a sum of Rs. 6,50,000/- and



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thereby cheated the defacto complainant and he further submitted that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and there is a money dispute in respect of mortgage and already co-accused was arrested and released on bail and no previous case is pending against the petitioner, 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/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate No. II, Tindivanam*** 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 the satisfaction of the learned Magistrate concerned and on further condition that:



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[a] the petitioner shall report **before the respondent police daily at 10.30 A.M. for 30 days;**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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]***.



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[g] If the petitioner thereafter absconds, a fresh FIR can
be registered under Section 269 B.N.S.

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