



Crl. O.P. No.25638 of 2024

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P. DHANABAL.J.,

The petitioner/single accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of the IPC in Crime. No.22 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant entered into the Joint Venture and Development Agreement with the petitioner on 07.04.2016 for developing her property by constructing a residential flat. In this regard, the petitioner would pay Rs.80,00,000/- (Rupees Eighty Lakhs only) to the defacto complainant. After completion of the construction, the petitioner gave only Rs.40,00,000/- (Rupees Forty Lakhs) and failed to pay the balance amount. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is a law-abiding citizen; and that



Crl. O.P. No.25638 of 2024

he is ready to abide by any condition that may be imposed by this Court and therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) for the respondent police submitted that the defacto complainant entered into the Joint Venture and Development Agreement with the petitioner on 07.04.2016 for developing her property by constructing a residential flat; in this regard, the petitioner would pay Rs.80,00,000/- (Rupees Eighty Lakhs only) to the defacto complainant; and that after completion of the construction, the petitioner gave only Rs.40,00,000/- (Rupees Forty Lakhs only) and failed to pay the balance amount. He further submitted that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, the nature of allegations levelled against the petitioner, that there is a money dispute pending between the parties in respect of the Joint Venture Agreement and also taking into consideration that there are no previous cases pending



Crl. O.P. No.25638 of 2024

against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned *Judicial Magistrate No.II, Poonamallee*, 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 learned Magistrate concerned, and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[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 to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the prior permission of the Court;

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



Crl. O.P. No.25638 of 2024

[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 269 of the BNS.

19.10.2024

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To

- 1.The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector of Police,
T-6, Avadi Police Station (Crime),
Avadi, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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