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Crl.M.P.No.18704 of 2023

Crl.M.P.No.18704 of 2023
in CRL.O.P.No.22351 of 2023
and Crl.M.P.No.2616 of 2024

C.V.KARTHIKEYAN, J.

This petition has been filed seeking modification of the order dated 29.09.2023 in Crl.O.P.No.22351 of 2023. By that particular order, the petitioner who is A1 in Crime No.225 of 2023 registered under Sections 406, 420, 503, 383, 120B of IPC was granted anticipatory bail and the following conditions were imposed:-

2. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned **Metropolitan Magistrate for exclusive trial of CCB cases, Egmore** 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, 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



CrI.M.P.No.18704 of 2023

pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,00,000/- to the credit of Crime No.225 of 2023.

[c] the petitioner shall produce the document at the time of executing the surety to the extent of Rs.50,00,000/-.

[d] the petitioner shall report before the respondent police on Wednesdays and Saturdays at 10.30 a.m., until further orders.

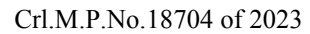
[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

3. The petitioner has very cleverly not executed any sureties and therefore does not have the liability to deposit a sum of Rs.10/- lakhs. He neither has come forward to produce documents to the extent of Rs.50/- lakhs.



5. The conditions had been imposed consequent to the allegation that the petitioner had cheated the defacto complainant by receiving a sum of Rs.4.25/- crores towards 50% share of land at Avalagurki Village, Kasaba Hobli Chikkbhallapura Taluk and had entered into agreement of sale on 20.08.2020 with Isha Life Private for selling 19 acres of land.

6. Let me not enter into detailed discussions about the modalities of the transactions, but restrict myself to the conditions imposed. The conditions imposed amount to only Rs.60/- lakhs, out of the total amount of Rs.4.25/- crores which is said to have been cheated by the petitioner from the defacto complainant. It is a negligible percentage of the total amount involved. I am not inclined to modify the order. The petition stands



Crl.M.P.No.18704 of 2023

dismissed. Two weeks time is granted for executing the sureties and to comply the conditions.

7. In view of the same, the present application seeking cancellation of anticipatory bail order stands dismissed. However, liberty is given to file a fresh application, if the petitioner does not comply the conditions.

8. After the order was dictated, the learned counsel for the petitioner stated that he would produce the documents from his friends or relatives worth about Rs.50/- lakhs. It is for the jurisdictional Magistrate to test the properties by adopting correct procedure and also calling upon those friends or relatives to grant consent for their properties to be submitted to the criminal Court as surety/security for the petitioner who stands as an accused before the Court.

05.03.2024

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