



Crl.O.P.No.28349 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 296(b), 118(1), 351(2), 303(2) of The Bharatiya Nyaya Sanhita (BNS) 2023, in Crime No.476 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused who had been real estate broker who had helped the de-facto complainant in selling his properties had coming to know that the de-facto complainant was having money had on 07.09.2024 waylaid him abused him and snatched an amount of Rs.50,000/- and his mobile phone, after assaulting him with an iron rod. Hence, the case.

3. The learned Counsel for the petitioner would submit that the petitioner had assisted the de-facto complainant in disposing his land. The de-facto complainant had refused to give the commission amount and he has given a false complaint as if the petitioner hand snatched an amount of Rs.50,000/- from him. He would submit that he is ready and



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willing to pay any stringent condition that may be imposed on him.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner waylaid the de-facto complainant abused him and snatched an amount of Rs.50,000/- and the mobile phone and also assaulted him. He would submit that the petitioner has got 10 previous cases against him and he would object for grant of anticipatory bail.

5. In reply, the learned counsel for the petitioner would submit that a case of dispute in a real estate transaction has been falsely projected as a case of snatching money. He would further submit that out of the 10 cases, 8 cases have been either referred or disposed and only one case is pending trial.

6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side , this Court is inclined to grant anticipatory bail to the petitioner.



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8. 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 District Munsif Cum Judicial Magistrate, Kilvelur**, on condition that the petitioner shall execute a separate 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, 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, on everyday at 06.30p.m.,until further orders;

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



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[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 abscond, a fresh FIR can be registered under Section 269 BNS.

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