



CRL.OP.No.28408 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 420, 468, 470, 471 and 34 of IPC in Crime No.5223 of 2020 on the file of the Inspector of Police, Sholavaram Police Station, Redhills, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the accused father entered into an agreement of sale during the year 2012 to sell his property and received advance amount of Rs.5,17,750/- and later refused to execute the sale deed in favour of the defacto complainant. Hence the case.

3.Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners' father entered into an unregistered agreement on 15.10.2015 for sale. Thereafter, the defacto complainant did not come to register the sale deed. Later, the petitioners



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father Kulasekaran passed away in the year 2018. Subsequently, the defacto complainant after the limitation period instead of filing a suit for specific performance, has given a criminal complaint before the respondent Police. Hence, he seeks anticipatory bail.

4.Learned Governed Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioners' father entered into a sale agreement with the defacto complainant to sell his property and received the advance amount but failed to execute the sale deed in favour of the defacto complainant. Now, the petitioners are refusing to return the advance amount.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

6.Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are 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 made ready, before **the learned Judicial Magistrate No.2, Ponneri**, on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, on every Saturday at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or



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witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 B.N.S.

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