



WEB COPY



Crl.O.P.No.27385 of 2023

Crl.O.P.No.27385 of 2023
and Crl.M.P.No.19624 of 2023

C.V.KARTHIKEYAN,J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences under Sections 406 and 420 of IPC in Crime No.151 of 2023, seeks anticipatory bail.

2.It is stated that the petitioner and the defacto complainant had entered into an agreement with respect to about 10 acres of land at Kodaikanal and the petitioner had received a sum of Rs.20,50,000/- from the defacto complainant by way of cheque and other instruments.

3.The learned counsel for the petitioner does not dispute receipt of that particular amount. However, it is contended by the petitioner that for laying of road, he had spent a sum of Rs.12,00,000/- and that a sum of Rs.8,50,000/- is still due.

4.It is however the contention of the learned counsel for the defacto complainant that there was a no land at all and that the petitioner has an inclination to commit himself to such agreements with intention to defraud victims like the defacto complainant.



Crl.O.P.No.27385 of 2023

WEB COPY

5.The learned Government Advocate (crl.side) however pointed out that the complaint is restricted only with respect to handing over of Rs.20.50 lakhs by way of negotiable instruments to the petitioner and not return of the same.

6.Taking all these factors into consideration, without entering into any further detail about the legality or otherwise of that particular agreement which is an issue which will have to be examined in an appropriate Court, I am 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 days from the date on which the order copy made ready, before the XIV Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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:



Crl.O.P.No.27385 of 2023

WEB COPY

[a] 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 daily at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.151 of 2023 before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the learned XIV Metropolitan Magistrate, Egmore, may hand over the said sum to the defacto complainant who may receive it without prejudice to his rights to lay a claim for any further amounts which according to the defacto complainant he is lawfully entitled to. It is also made clear that merely because the petitioner deposits such amount, it would not mean that he had admitted to commission of any offence. Thereafter, the petitioner is also directed to deposit a further sum of Rs.3,50,000/- on or before 30.04.2024 again into Court which amount again the learned Magistrate may hand over to the defacto complainant.

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

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

[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



Crl.O.P.No.27385 of 2023

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].

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

8.Accordingly, this Criminal Original Petition is ordered and consequently, connected Miscellaneous Petition is also ordered.

29.01.2024

vkr



WEB COPY



Crl.O.P.No.27385 of 2023

C.V.KARTHIKEYAN,J.

Vkr

Crl.O.P.No.27385 of 2023
and Crl.M.P.No.19624 of 2023

29.01.2024