



Crl.O.P.No.28674 of 2023

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**C.V.KARTHIKEYAN, J.**

The petitioner/A1 seeks anticipatory bail in Crime No.12 of 2023 registered by the respondent Police for the offences punishable under Sections 120(B) and 420 of IPC.

2. It is the case of the prosecution that originally, the defacto complainant had taken a loan from Karur Vysya Bank to set up a green house on his land in the year 2014. He was not able to repay the amount. The property came about to be sold. At that time, A2 had entered into the picture and stated that he would arrange finance from A1, the petitioner herein.

3. It is stated that the defacto complainant had come forward to execute an agreement of sale for a period of three years. There was transaction entered into between two parties, but in the sale deed which had executed by the defacto complainant to the petitioner herein, there was no clause relating to re-conveyance but only an independent agreement of sale had been entered into which was also not a registered document.



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4. It is however stated by the learned Government Advocate (CrI. Side) that the parties are entered into a compromise. This Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 made ready, before the **Special Judicial Magistrate No.II, Dharmapuri**, 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.**



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

[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 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 229A IPC.

**23.01.2024**

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