

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14791 of 2020

Ananthi

... Petitioner

Vs.

State rep. By
The Station House Officer,
Town Police Station, Karaikkal,
Puducherry.
Crime No.0338 of 2019.

....Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.0338 of 2019 on the file of the respondent police.

For Petitioner : Mr.H.Rajasekar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **468, 471 IPC in Crime No.0338 of 2019** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kalvimaran, the Assistant Motor Vehicle Inspector, Karaikal is that during the vehicle check up the Omni bus bearing registration No.PY02J1857 was found with some irregularities. On verification it was found that the bus was plied with forged documents and by doing so the owner of the bus had cheated the Motor Vehicle Department of the Pondicherry Government. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a lady and she is running a Transport Travel Agency. The petitioner was the owner of the bus bearing registration No.PY02J1857 and that during the course of business, she sold the vehicle to one Janarthanan, Coimbatore. Since the entire amount was not settled by the said Janarthanan, the petitioner was holding the

documents. He would further submit that the said Janarthanan had plied the vehicle without extending the permit and thereby it seems that the Government of Pondicherry Motor Vehicle's Department had suffered loss. He would also further submit that on 05.12.2019, the petitioner had received a letter calling upon her to pay an amount of Rs.7,35,960/- and thereafter within two days another Show Cause Notice has been issued to the petitioner to pay Rs.15 lakhs in all. He would submit that as of now the bus has been seized by the respondent and that the petitioner has got permanent resident status and that without prejudice to her contention and defence, the petitioner is prepared to pay an amount of Rs.8 lakhs to the Transport Department in proceedings 27202RDO KKL/2019 to show her bonafide. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose the petition stating that the petitioner who is the owner of the Omni bus bearing registration No.PY02J1857 had plied the vehicle with fabricated documents and thereby cheated the Government of Pondicherry by not paying the amount which are statutory dues to the Pondicherry Government.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is directed to deposit an amount of Rs.8 Lakhs [Rupees Eight Lakhs only] to the Transport Department of Pondicherry, within a period of four weeks in proceedings in 27202RDO KKL/2019 and on such deposit and production of proof, the petitioner is ordered to be released on bail, in the event of her arrest or on her appearance, **within a period of fifteen days from the date on which the copy of this order is made ready**, before the **learned Judicial Magistrate-II, Karaikkal**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

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

[e] the petitioner shall not abscond 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 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
28/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,
KARAIKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE STATION HOUSE OFFICER,
TOWN POLICE STATION KARAIKKAL,
PUDUCHERRY.

+1 CC to M/S.H.RAJASEKAR Advocate on payment of necessary charges SR.NO.6518

CRL OP.14791/2020

Date :28/09/2020

TA-13/10/2020