

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3818 of 2021

Mohan

... Petitioner

-Vs-

The State Rep. By ... Respondent
The Sub - Inspector of Police,
District Crime Branch,
Cuddalore.
Crime No.06 of 2021.

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 06 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Nagarathinam
For Intervenor : Mr.Dhanyakumar
For Respondent : Mr.S.Karthikeyan
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 alleged offences under Sections 294(b), 420 and 506(i) of IPC, in Crime No.06 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that A1 is the owner of the vehicle and he had hypothetized the vehicle with ICICI Bank, Cuddalore. Thereafter, A1 and his wife approached the defacto complainant/field officer of the TVS Credit finance and sought for loan to discharge the hypothetication with ICIC Bank and the defacto complainant also sanctioned the loan and transferred the funds to ICICI Bank, but failed to hypothicate the vehicle with the defacto complaint company. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is only a guarantor and offence was committed by A1 and

the petitioner is not aware of the fact. He would further submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4. The learned counsel for the intervenor would submit that all the accused persons cheated the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons had cheated the defacato complainant and abused and attacked him. He would further submit that A1 in this case was arrested and remanded to judicial custody. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and offence committed by A1 and the petitioner is only a guarantor, and he has no antecedent, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 learned Judicial Magistrate No.II, Panruti, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 as and when required for interrogation.

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
12/03/2021

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,
NO.II, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE.

+1 CC to M/S. G.PUGAZHENTHI Advocate on payment of necessary charges SR.NO.3250

CRL OP.3818/2021

सत्यमेव जयते Date:12/03/2021

TA-30/03/2021

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