

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.5705 of 2020

M. Kennady

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
E2 Royapettah Police Station,
Chennai.(Crime No.92 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.92 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.G.Rajan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 406, 420, 466 and 471 of IPC, in Crime No.92 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally two accused in this case and the petitioner is ranked as A1. The allegation is that the defacto complainant's brother-in-law in order to settle the car loan and other loans, requested the defacto complainant to arrange finance by pledging the car. In turn the defacto complainant contacted A2/Delhi Babu to arrange finance by pledging the vehicle and entrusted the deed of power of attorney, T.O form, R.C. Book and two cheque leaves with A2. Thereafter, the petitioner/A1 was intending to purchase a second hand car and he met A2 and purchased the car by settling loan dues. It is alleged that A2 based on the documents given by the defacto complainant has transferred the car to the petitioner/A1 without the knowledge of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is in no way connected with this crime and he has been falsely implicated in this case. He would further submit that the petitioner has paid the entire due amount and he is the bonafide purchaser of the car. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that petitioner/A1 along with another person by name Delhi Babu/A2 had entered into a criminal conspiracy and cheated the defacto complainant. He would further submit that the car has been recovered and handed over to the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case that the car has been recovered and handed over to the petitioner, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVIII Metropolitan Magistrate, Court, Saidapet 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.

-sd/-

21/01/2021

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

TRUE COPY

TO

1 XVIII METROPOLITAN MAGISTRTE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E2 ROYAPETTAH POLICE STATION,
CHENNAI

CC to M/S. A.G.RAJAN Advocate on payment of necessary charges

CRL OP.5705/2020

Date :21/01/2021

RVR 04/02/2021



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