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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21146 of 2021

P.Vijay Anand

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Thirubuvanai Police Station,
Thirubuvanai. Puducherry State.
Crime No.282 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.282 of 2020 on the file of the respondent.

For Petitioner : Mr.R.Hemalatha

For Respondent : Mr.Balamurugane
Additional Public Prosecutor
(Puducherry)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC, in Crime No.282 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is selling Hero Motor Vehicle under Eshwari Motors. After obtaining money from defacto complainant, the vehicle has not been given to him. While he enquired with others then only he came to know that the petitioner cheated him and others. Hence, he lodged the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner. However he agreed to settle the issue amicably.



4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that still the petitioner is absconding and they were not able to conduct investigation. He further submitted that already dealership with the Easwari Automobile was terminated, but, on false promise to the customers, the petitioner collected more than 20 lakhs and he insisted the petitioner to co-operate for the enquiry and to settle the issue. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made on both side counsels, 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 before the learned Judicial Magistrate No.II, Alandur, Chennai 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 is directed to report before the respondent police daily at 10.30 a.m., until further orders and settle the issue as he promised.

[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.

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-sd/-

18/11/2021

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, ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUBUVANAI POLICE STATION,
THIRUBUVANAI, PUDUCHERRY STATE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.HEMALATHA Advocate on payment of necessary
charges SR.NO.13211

CRL OP.21146/2021

Date :18/11/2021

RW 29/11/2021