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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

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

Crl.O.P.No.21898 of 2021

R.Babu

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Kaattumannarkovil Police Station,
Cuddalore District.
Crime No.587 of 2021.

... 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.587 of 2021 on the file of the respondent.

For Petitioner : Mr.S.Prabhu

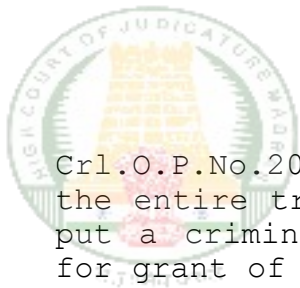
For Respondent : Mr.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 & 420 of IPC, in Crime No.587 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had approached the finance company for arranging vehicle loan for his Force Tempo Traveller four wheeler to clear earlier hypothecation. The Sriam Transport Finance company transferred the amount to the Chola mandalam Finance company directly to the tune of Rs.5,04,000/-. Infact, the defacto complainant approached the petitioner to register the hypothecation agreement with the RTO. The petitioner failed to complete process of the defacto complainant. Hence, 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. He further submitted that Co-accused/A2 has already granted bail before this Court in



CrI.O.P.No.20756 of 2021 dated 02.11.2021. He also submitted that the entire transaction is Civil in nature and the defacto complainant put a criminal colour to the Civil business transaction. He prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (CrI.side) appearing for the respondent submitted that the investigation is almost completed.

5. Considering the facts and circumstances of the case, that co-accused has already granted bail and the investigation is almost completed, 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 District Munsif cum Judicial Magistrate, Kattumannarkoil, 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 on every Wednesday at 10.30 a.m., until further orders.

[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/-
22/11/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
KATTUMANNARKOIL

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KAATTUMANNARKOVIL POLICE STATION,
CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.PRABHU Advocate on payment of necessary charges
SR.No.13323

CRL OP.21898/2021

Date :22/11/2021

APN 30/11/2021