

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24178 of 2021

R.Anand

... Petitioner

Versus

State Rep. by
The Inspector of Police/S.H.O.,
Denadu Combai Police Station,
Nilgiris District, Tamil Nadu,
(Crime No.99 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of his arrest or surrender in connection with Crime No.99 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.Bhagyaraj

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor
* * * * *

O R D E R

This Criminal Original Petition is filed to enlarge the petitioner on bail in the event of his arrest or surrender in connection with Crime No.99 of 2021 on the file of the respondent police.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 420 IPC in Crime No.99 of 2021, seeks Anticipatory Bail.

3.The case of the prosecution is that the defacto complainant is one Prabu, who is working as a Driver. On 30.11.2021, he went to the respondent police and gave a complaint that he knows the petitioner/accused for the past two years and the petitioner had business of lending load vehicles for rent. During Corona period, the petitioner was not able to pay the monthly installments for the vehicles which he had purchased, so the petitioner approached the defacto complaint and they entered into a unregistered vehicle sale agreement on 07.07.2021, then as per terms and agreements the petitioner after receiving the advance amount handed over the vehicle to the defacto complainant. In the mean time on 27.08.2021, the petitioner went to the defacto complainant's resident and rented the above said vehicle stating that he got a

good rental offer from a school. Hence the defacto complainant let out the vehicle for rent to the petitioner. Thereafter the defacto complainant approached the petitioner to get back his vehicle. The petitioner denied for the same and claimed that he is the rightful owner of the vehicle and cannot give the vehicle to the defacto complainant and threatened the defacto complainant with dire consequences. Hence, the defacto complainant had lodged a complaint before the Law Enforcing Agency.

4.The learned counsel appearing for the petitioner submits that there was a terms of agreement between himself and the defacto complainant with regard to the payment of EMI, in respect of the vehicle purchased by him. Due to the pandemic situation, he was unable to pay the EMI regularly and misunderstanding arouse between the petitioner and the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case, and also considering that it is a money transaction between the parties, which is civil in nature and this Court is inclined to grant Anticipatory Bail to the petitioner with the following conditions.

7.Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Udhagai on condition that the petitioner shall execute a bond for sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum each 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 appear before the respondent police on every Tuesday and Sunday at 10.30 a.m. along with the copy of the Vehicle document, 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.

-sd/-
14/12/2021

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,
UDHAGAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
NILGIRIS [FOR INFORMATION]

3 THE INSPECTOR OF POLICE/S.H.O.,
DENADU COMBAI POLICE STATION,
NILGIRIS DISTRICT, TAMILNADU.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V. BHAGYARAJ Advocate on payment of necessary charges

CRL OP.24178/2021

Date :14/12/2021

MK:22/12/2021