



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Cr1.O.P.No.1456 of 2022

1.Senthil Kumar
2.Sakthivel

... Petitioners

Vs.

State by,
The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.
(Crime No.379 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail, in the event of their arrest by the respondent police in the case pending investigation in Crime No.379 of 2021, on the file of the respondent police.

For Petitioners : Mr.Karthikeyan
For V.N.Ponraj

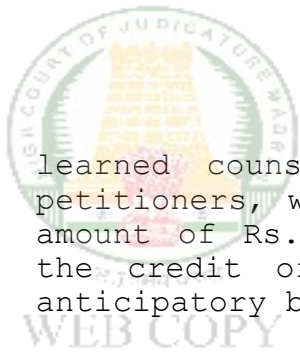
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 406, 420 and 506(i) of I.P.C, in Crime No.379 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that petitioners purchased Innova Car from the defacto complainant by paying (through ONLINE mode) Rs.50,000/- and Rs.45,000/- as advance. It is alleged that they refused to pay the balance amount. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The



learned counsel, on instructions, would further submit that the petitioners, without prejudice to his rights, is ready to deposit the amount of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor vehemently opposed for grant of anticipatory bail to the petitioners stating that that the petitioners had cheated the defacto complainant by refusing to pay the balance amount of Rs.2,80,000/- after purchasing the car.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

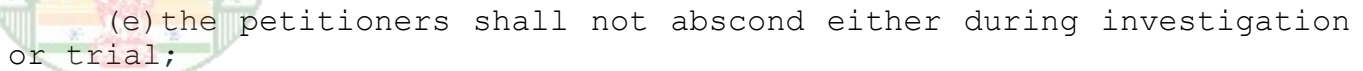
6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Judicial Magistrate Court -I, Pollachi, Coimbatore on condition that the petitioners 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 and on further condition that:

(a)the petitioners shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) each to the credit of Crime No.379 of 2021 within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier before the Judicial Magistrate Court-I, Pollachi, Coimbatore. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.2,50,000/- deposited by the petitioners to the credit of Crime No.379 of 2021 will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter failing which, the anticipatory bail petition shall stands dismissed.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police on every Saturday at 10.30.a.m., until further orders.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.