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CrI.O.P.No.13603 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 424 and 506(1) of the Indian Penal Code, in Crime No.174 of 2022 seeks anticipatory bail.

2. The case of the prosecution is that, on 09.05.2022, the defacto complainant who is the proprietor of M/s. ADF Global Logistics had given a container of granite cargo to one Kishore, who is the proprietor of M/s. Shreesrivani Transportation. It is alleged that the vehicle along with the container cargo went missing. On search, it was found that the vehicle along with the cargo has been seized by the petitioner and has been kept in godown. When enquired, the petitioner stated that the said Kishore has to repay a sum of Rs.9 lakhs to the petitioner and the petitioner will release the vehicle and the cargo only on repayment of 9 lakhs rupees only. It is further alleged that the petitioner threatened the defacto complainant with dire consequences. Hence, the complaint.



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3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Counsel for the intervenor submitted that there was a dispute between the petitioner and one Kishore, for which, the petitioner had taken the goods which belong to the defacto complainant in a lorry and thereby detained in his custody. Due to which, the defacto complainant suffered a loss to the tune of Rs. 3 lakhs. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that the entire goods has been recovered from the petitioner. However, he opposed for granting anticipatory bail to the petitioner.



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6. Considering the fact and circumstances of the case and also it is seen that there was a dispute in between the petitioner and on kishore and that custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 Judicial Magistrate, Madhavaram** on condition that the petitioner shall execute separate 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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter 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.

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