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Crl.O.P.No.16579 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 120B, 420, 506(i) IPC in Crime No.02 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was running a business of providing Poclain machines to the civil work contractors. The first accused who introduced himself as Assistant Engineer, and hired five Poclain machines for rent for a period of one year, but he failed to repay the rental amount of Rs.60 lakhs. The petitioner herein who is A2 had issued cheques to the defacto complainant for collection, they were returned. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner have settled the entire due amount by various transactions and in fact, the defacto complainant has to pay Rs.15 lakhs to the petitioner. He further submitted that the occurrence took place in the year 2011 but



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the complaint was lodged in the year 2020 and the first accused already been granted anticipatory bail. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner and along with another accused hired Poclain vehicles for civil work and presented invalid cheques. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are two accused in this case, the petitioner is arrayed as A2. Further, the first accused already granted anticipatory bail in Crl.O.P.No.2800 of 2020 on 10.02.2020.

6. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in



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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 No.6, Salem, 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 shall report before the respondent police daily Morning at 10.30 a.m for a period of two weeks 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



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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.

18.07.2022

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