



Crl.O.P.No.18080 of 2022

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M.DHANDAPANI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of IPC in Cr.No.974 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a lorry booking office at Madurai and he got an booking offer to transport Iron Scrap material through R.N.Transport to transport 26360 Kg of old iron scrap. The lorry was driven by one Ramesh and the defacto complainant had also given cash of Rs.20,000/- to the said driver. On 22.03.2020, the defacto complainant got call from the driver that since lock down was declared, he cannot move the vehicle and that the vehicle has been halted at Hosur. Thereafter, the goods were kept under the custody of one Kannairam and photographs of the same were taken by the petitioner. After lock down was over, when the defacto complainant asked the said Kannairam to return the goods, it was informed that the goods were taken by the petitioner. Hence, the complaint.



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3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He would further submit that the co-accused have already been arrested and enlarged on bail and further submitted that the investigation is almost completed. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the credit of the crime number.

4.The learned Government Advocate (Criminal Side) would submit that out of 26 tonnes of old iron scrap, only a meagre quantity of 5 tonnes of old iron scrap has been recovered and further submitted that the petitioner is absconding from the year 2020 and the respondent police is trying to secure him.

5.This is the fifth anticipatory bail petition filed by the petitioner. Though the petition seeking anticipatory bail filed by the petitioner has already been dismissed by this Court four times, the law investigating agency is not interested to secure the petitioner/ accused and complete the investigation. Hence, considering the fact that the



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petitioner, on his own volition, has come forward to deposit a sum of Rs.25,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate, Pochampallai, Krishnagiri District, 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 and on further condition that:

(a)the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Cr.No.974 of 2020 before the learned Judicial Magistrate, Pochampallai, Krishnagiri District, within a period of two weeks from the date of receipt of a copy of this order.

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned



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may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 petitioners 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]***; and;

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

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