



Crl.O.P.No.20012 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC in Crime No.551 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant approached the 1st accused, who is a lorry broker and requested him to make arrangements to lease out his two Taarus Tipper lorries bearing registration Nos.TN 82 H 1136 and TN 82 F 7862 for a sum of Rs.5,00,000/- each. The 1st accused made arrangements and took the lorries on 14.03.2022 and paid Rs.9,50,000/- to the defacto complainant. The 1st accused failed to execute the lease agreement and hence the defacto complainant enquired about the lorries and found that the lorries are with the 2nd and 4th accused/2nd petitioner herein. The 3rd accused helped the 1st accused in handing over the lorry to the 4th accused. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they are no way



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connected with the alleged offence. He would further submit that they are ready and willing to deposit a reasonable amount before this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. It seems that the lorry owned by the defacto complainant was entrusted to the 1st accused for lease. In turn, he leased out the lorries to the petitioners herein, due to which, the petitioners had to pay some amount. Thereafter, the 3rd petitioner, who is arrayed as 6th accused, sold out the two lorries. The lorries are worth to the tune of Rs.20,00,000/- which has to be paid by the petitioners herein.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the 3rd petitioner/A6 shall deposit a sum of Rs.7,50,000/- (Rupees Seven Lakh Fifty Thousand only) to the credit of Crime No.551 of 2022 within a period of four weeks from the date on which the order copy is made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the



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order copy is made ready, before the learned Judicial Magistrate No.II, Tindivanam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 3rd petitioner/A6 shall deposit a sum of Rs.7,50,000/- (Rupees Seven Lakh Fifty Thousand only) to the credit of Crime No.551 of 2022 within a period of four weeks from the date of receipt of a copy of this order.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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