



Crl.O.P.No. 20622 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC, in Crime No.155 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant availed loan from the petitioner to the tune of Rs.1 Lakh by mortgaging his car. Thereafter, the defacto complainant paid the entire amount and the petitioner refused to return the car. Hence, the complaint.

3. The learned counsel for the petitioner would submit that even before mortgaging the car to the petitioner, he mortgaged the car with other creditors. The defacto complainant never returned the entire amount and in fact, the car has been taken over by the other mortgager. Therefore, the petitioner has nothing to do with the crime as alleged by the defacto complainant. Therefore, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 2 accused in which the petitioner is arrayed as A1. The defacto complainant availed loan for a sum of Rs.1 Lakh from the petitioner by mortgaging his car. Thereafter, the defacto complainant returned the entire amount and the petitioner failed to return the car. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

5. It is seen that there is a civil dispute between the petitioner and the defacto complainant.

6. Considering the above fact and circumstances of the case, the custodial interrogation of the petitioner does not require in this case. Hence, 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 the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate V, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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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 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.

30.08.2022

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