



Crl.O.P.No. 20644 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 Sections 420 and 406 of IPC, in Crime No.649 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running a business of buying and selling cars. The defacto complainant approached the petitioner for buying a BMW car, at a cheaper rate. Thereafter, the defacto complainant bought the car for a sum of Rs.12,00,000/- out of which, he paid Rs.8,00,000/- to the petitioner and the balance amount was also paid by the defacto complainant. While so, when the defacto complainant's son came out of VR Mall in the car, 25 unknown persons intercepted him and taken away the BMW car for non payment of money for the car. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and no way connected with the alleged offence and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the defacto complainant bought a BMW car from the petitioner for a sum of Rs.12,00,000/-. The defacto complainant also paid the entire amount. Thereafter, when the defacto complainant's son was coming out from VR Mall in the car, some unknown persons intercepted him and taken away the car, due to non payment of money for the car. The petitioner has also cheated the defacto complainant by giving fake RC smart card. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

5. It is seen that the petitioner was not issued any notice under Section 41 A of Cr.P.C.

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



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from the date on which the order copy is made ready, before the XIII Metropolitan Magistrate Court, Egmore, 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 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.



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[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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