



Crl.O.P.No.22127 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, in Crime No. 161 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 10.08.2019, he had borrowed an amount of Rs.1,50,000/- from the first accused by handing over his vehicle. Thereafter, the defacto complainant was ready to repay the amount and when he asked for return of the said vehicle, the accused had not return the vehicle and thereby cheated him. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner borrowed an amount of Rs.1,50,000/- on 10.08.2019 and he had also signed various documents including T.O. form and had also agreed that, if the amount is not repaid within a period of two years, the petitioner is entitled to sell the vehicle. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that the petitioner under the guise of giving loan of Rs. 1,50,000/- had taken the DUSTER vehicle from the defacto complainant. When the defacto complainant was ready to repay the amount and take back the vehicle, the petitioner had cheated him by selling the defacto complainant's vehicle to a third party. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the **learned Judicial Magistrate No.V, Coimbatore** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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



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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. until further orders.

[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]**.



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

14.09.2022

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