



Crl.O.P.No.25463 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 offence punishable under Sections 406 and 420 of IPC in Crime.No.287 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant Nadhiya is that she had mortgaged her car with the petitioner and received an amount of Rs.1,60,000/-. Towards surety, the petitioner had taken signatures in the transfer forms and other declaration forms whereas, the petitioner had sold the car without the knowledge of the de facto complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is a dealer engaged in second hand car. The de facto complainant had sold the car to the petitioner and she has also signed all the necessary documents based on that, the petitioner had transferred the car to the third party. Later when the de facto complainant felt that she

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has sold the car for the lesser price and thereby a false complaint has given by the de facto complainant against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the de facto complainant mortgaged her car with the petitioner and received an amount of Rs.1,60,000/- from the petitioner, whereas, the petitioner/accused had sold the car to one Suresh (third party), without the knowledge of the de facto complainant and cheated her. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submissions of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 made ready, before the **learned 17th Metropolitan Magistrate, Saidapet** 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 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 everyday 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;



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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]***; and;

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

11.11.2022

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