



Crl.O.P.No.25615 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 506(1) IPC in Crime No.429 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the defacto complainant had pledged his lorry to a sum of Rs.2,00,000/- to A1 and thereafter, the defacto complainant had repaid the principal amount along with the interest and he asked for return of the lorry. Whereas, the accused had cheated the defacto complainant by refusing to return the lorry and also the main accused had threatened the defacto complainant by saying that he is an accused in the bomb blast case. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he being the son-in-law of the main accused, he has nothing to do with the transaction between the defacto complainant and the main accused. He would also submit that there is no specific allegation as against the petitioner in the complaint. Hence, he



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prays to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the accused had financed the defacto complainant and taken his lorry as pledge. Thereafter, the defacto complainant had repaid the entire amount, however the accused had refused to return the lorry and cheated the defacto complainant. He would further submit that the lorry is yet to be recovered. Hence, he opposed to grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Taking into consideration the fact that the petitioner is son-in-law of A1 and there is no specific averment as against the petitioner, 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 Judicial Magistrate No.VII, 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 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.



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

26.10.2022

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