



Crl.O.P.No.27516 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 Sections 294(b), 379 and 506(i) of IPC in Crime No.581 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vijaya is that she is an entrepreneur, who had purchased the 2nd hand CNC Turning Mill Machine for Rs.8,41,500/- during the year 2011. Since, there was a problem in the machine, she had handed it over to the accused on 24.05.2013 for repair, whereas the accused did not return the machine. Later she came to know that the accused has stolen the Mother Board of the said machine and when the de-facto complainant asked to return the same, the accused had refused and threatened her and later in order to avoid for returning the machine, the accused has filed a suit in O.S.No.382 of 2014 before the District Munsif Court, Ambattur and later allowed it to get dismissed. Based on the Court order, a case was registered in Crime N.581 of 2022 for the offence under Sections 294(b), 379 and 506(i) of IPC.



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3. Learned counsel for the petitioner would submit that it is true that the defacto complainant has entrusted and later she did not take back the machine and since, it was covering the entire place of the factory, the de-facto complainant was asked to take back the machine and also filed a suit in O.S.No.382 of 2014 before the District Munsif Court, Ambattur. and only as a counter blast, a false complaint has been given against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the defacto complainant who is a women entrepreneur, has entrusted the machine to the petitioner whereas the accused have used the crucial part of the machine and cheated her. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervener/defacto complainant would submit that the defacto complainant is a women entrepreneur and the CNC machine which was handed over to the petitioner for repair was



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misused by the petitioner. He would further submit that the petitioner had removed the crucial part in the machine and used it for his benefits. Hence, he opposed for grant of anticipatory bail to the petitioner.

6.Heard the learned counsel and perused the entire materials available on record including the First Information Report.

7.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with certain conditions.

8.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, Ambattur 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



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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



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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;

9.Any view expressed by this Court are only for the purpose of deciding this anticipatory bail and the said view will not have any bearing with regard to any other claim made by the parties before any other Forum.

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