



Crl.O.P.No.29208 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 406, 420 and 506(1) of IPC, in Crime No.77 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that A1 and A2 approached the defacto complainant, who is working as acting driver and requested for luxury cars on rent for Dhamodharan Charitable Trust. Believing their words, the defacto complainant and his friends arranged five cars and handed over the same to A1 and A2 on monthly rent. However, they have failed to pay the monthly rent and their whereabouts were not known. Thereafter, it was found that A1 and A2 colluded with A3 and A4 and mortgaged the cars received on rental and cheated the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to



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deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.77 of 2022, without prejudice to his right of defence.

Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally four accused in which the petitioner is arrayed as A4. The petitioner and other accused used to take cars for lease from various persons and thereafter pledge the rental cars to some other persons. He would further submit that this is the second anticipatory bail petition filed by the petitioner. Earlier petition filed by the petitioner was dismissed by this Court on 29.06.2022 in Crl.O.P.Nos.14244 and 14245 of 2022. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

5. Though, this Court had dismissed the earlier petition filed by the petitioner, the respondent failed to secure the petitioner so far. Only because of absconding of the petitioner, now the entire investigation in Crime No.77 of 2022 is stalled.



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6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only), without prejudice to his right of defence, to the credit of Crime No.77 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit 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 is made ready, before the IX Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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:



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[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 deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.77 of 2022, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.m, until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

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