

Crl.O.P.No.573 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 323, 506(ii) of IPC in Cr.No.360 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has purchased N200 bike, worth about Rs.1,12,000/- by paying Rs.40,000/- . It was hypothecated with A1, who is running Mahaveer Motors at Karanodai with an agreement to pay the balance amount in 20 instalments , out of which the defacto complainant paid 10 instalments. But, the name was not transferred to the defacto complainant. When the defacto complainant parked his bike near Vetnary Hospital, at that time two person attached to A1's company attacked the defacto complainant and seized the vehicle due to which the defacto complainant sustained head injury. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant is a chronic defaulter and there was a due to



Rs.90,000/- and a specific class in hypothecation deed that, continuous default of three months would give raise of power to A1 company to seize the vehicle and sell it to the third party. He further submit that the petitioners have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the there is money transaction between the accused on the one hand and the defacto complainant on the other hand which had ended up in the criminal complaint being lodged. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, No.I, Ponneri**, on condition that the petitioners shall execute a



bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed

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and the petitioners 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;



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

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