



Crl.O.P.No.983 of 2023

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WEB C **T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 397 IPC, in Crime No.04 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased a two wheeler from the petitioner's finance company and he failed to pay the monthly instalments, due to which the petitioner's finance company seized the vehicle from the defacto complainant without his knowledge. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the defacto complainant purchased a two wheeler from the petitioner's finance company and he failed to pay the monthly



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instalments, due to which the petitioner's finance company seized the vehicle from the defacto complainant without his knowledge. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor raised strong objection stating that the defacto complainant had paid the monthly instalments regularly and without the knowledge of the defacto complainant, the petitioner's company seized the vehicle. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration the facts and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is 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, Poonamalle, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police



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officer who intends to arrest or to the satisfaction of the learned Magistrate

concerned 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 every Wednesday at 10.30 a.m., for a period of six weeks and thereafter as and when required.

[c]The respondent police is directed to hand over the possession of the vehicle to the defacto complainant on his petition and the defacto complainant is permitted to repossess the said vehicle by filing an undertaking affidavit before the trial Court.

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

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

[f] 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



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the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala
[(2005)AIR SCW 5560].

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

19.01.2023

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