



Crl.O.P.No.1479 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 417, 418, 420, 406, 409, 424, 294(b) and 506 (1) of IPC, in Crime No.9 of 2021, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant purchased a car for a sum of Rs.10 lakhs by obtaining a loan from the bank and for the said loan he has to pay Rs.24,000/- as EMI for a period of five years. The petitioner herein had suggested the defacto complainant to hand over the car to A2 and A2 will use the car and pay the EMI on behalf of the defacto complainant. As per the direction of the petitioner herein, the defacto complainant had handed over the car to A2. Subsequently, no EMI was paid by A2 and also not surrendered the car. Hence, the complaint.



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3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged offence and a false complaint has been given against him. He would further submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- to the credit of Crime No.9 of 2021 towards the alleged medical expenses incurred by the defacto complainant. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the defacto complainant purchased a car for a sum of Rs.10 lakhs by obtaining a loan from the bank and for the said loan he has to pay Rs.24,000/- as EMI for a period of five years. The petitioner herein had suggested the defacto complainant to hand over the car to A2 and A2 will use the car and pay the EMI on behalf of the defacto complainant. As per the direction of the petitioner herein, the defacto complainant had handed over the car to A2. Subsequently, no EMI was paid by A2 and also not surrendered the car. Hence, he opposed for grant of anticipatory bail to the petitioner.



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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel, 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.1,00,000/- (Rupees One Lakhs Only) to the credit of Crime No.9 of 2021** and on such receipt and receipt of proof of payment, 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, Sendhurai, Ariyalur District***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, out of which one surety must be a blood related surety 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, 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakhs Only) to the credit of Crime No.9 of 2021, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant, who shall utilize the said amount for medical expenses.

(c) the petitioner shall report before the respondent police station as and when required.

(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



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

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