

Crl.O.P.No.3834 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Section 420 of IPC in Cr.No.45 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is worked as employee in Om Prakash Auto Finance. He had collected to the tune of Rs.85,000/- from the Defacto complainant. Further, he had misappropriated the aforesaid fund instead of depositing in the Company. Due to which, A1/Finance Company Agent retained RC Book of the Defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is an innocent person and he has been falsely implicated in this case. However, the learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of the Crime



No.45 of 2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are two accused in this case. The petitioner is working as an employee under Auto Finance Agent. He further submitted that the petitioner has misappropriated a sum of Rs.1,25,000/- from the company. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard learned counsel for the petitioner and learned Government Advocate (Crl.Side) appearing for the respondent police.

6.On seeing the facts, it reveals that though the defacto complainant paid the due amount, Auto Finance Agent has refused to give the RC book due to late payment of the petitioner.

7.Considering the facts and circumstances of the case and the petitioner is ready and willing to deposit a sum of Rs.20,000/- to the credit



of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of **Crime No.45 of 2023**, 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, before the ***Hon'ble Judicial Magistrate, Sholinghur***, 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 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 shall deposit a sum of Rs20,000/- (Rupees Twenty Thousand only) to the credit of Cr.No.45 of 2023 before the Hon'ble Judicial Magistrate, Sholinghur within a period of two weeks from the date on which, the order copy was made ready.



[b] 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.

[c] the petitioner is directed to appear before the respondent police on every Saturday at 10.30 p.m., for a period of eight weeks and thereafter, as and when required for interrogation.

[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 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.

27.02.2023

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To
The Judicial Magistrate,
Sholinghur.

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