

Crl.O.P.No.4175 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Section 406 and 420 of IPC in Cr.No.315 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner purchased a car for a sum of Rs.39,06,489/- as loan from M/s.Sriram Transport Finance Co., Ltd. The first petitioner stood as surety for the same. Further it is alleged that the petitioners failed to pay the EMI and whenever the defacto complainant's company came to know that they used to give evasive reply. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submits that the petitioners were falsely implicated in this case and that they paid a sum of Rs.10,00,000/- in cash to the defacto complainant's company, which was not accounted by the defacto complainant. He further submits that the car is with the petitioners and they are ready to abide any conditions imposed by this Court. Further, the petitioners are ready to deposit Rs.1,00,000/- each to



the credit of Cr.No.315 of 2022. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI. side) appearing for the respondent submits that the second petitioner purchased a car for a sum of Rs.39,06,489/- as loan from M/s.Sriram Transport Finance Co., Ltd. The first petitioner stood as surety for the same. Further, the petitioners failed to pay the EMI and whenever the defacto complainant's company came to know that they used to give evasive reply. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor submitted that the petitioners are not paying the monthly instalment as they promised while availing the loan. Though the total value of the car is Rs.39,00,000/-, the petitioners have paid only Rs.4,75,000/- to the defacto complainant. Moreover, the vehicle is not available with the petitioners. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Taking into consideration facts and circumstances of the case and



also the fact that there is no tampering of evidence and the petitioners have voluntarily come forward to deposit Rs.1,00,000/- (Rupees One Lakh Only) each to the credit of Cr.No.315 of 2022, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are directed 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 **IX Metropolitan Magistrate, Saidapet** on condition that the petitioners shall execute a separate 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 petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) each to the credit of **Crime No. 315 of 2022** within a period of two weeks from the date of receipt of a copy of this order before the concerned Magistrate. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the car is with the petitioners and the amount of Rs.1,00,000/- was deposited by the each of the



petitioners to the credit of **Crime No. 315 of 2022** within a period of two weeks and the defacto complainant is permitted to withdraw the said deposit amount made by each of the petitioners on proper identification and acknowledgment;

(b) 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;

(c)the first petitioner shall report before the respondent Police on every Tuesday and Saturday at 10:30 a.m. for a period of three months and the second petitioner shall report before the respondent police as and when required for interrogation;

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

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

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

28.02.2023

rap



WEB COPY



6

Crl.O.P.No.4175 of 2023

T.V.THAMILSELVI, J.

rap

Crl.O.P.No.4175 of 2023

28.02.2023