

CrI.O.P.No.4060 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 379 of IPC in Cr.No.449 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant have been running tourist cabs in Chennai. On 29.12.2022 the defcto complainant had rented the car to RBI officers, while they returning back to Chennai, the car met with an accident. Based on information, the defacto complainant went to the spot and there some accused were jacking the right front tire of the car and removed the tire. When the same was questioned, the accused were tried to escape from the spot. Thereby, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that the defacto complainant have been running tourist cabs in Chennai. On 29.12.2022 the defcto complainant had rented the car to RBI officers, while they returning back to Chennai, the car met with an accident. He would submit that the defacto complainant went to the spot and there some accused were jacking the right front tire of the car and removed the tire. When the same was questioned, the accused were tried to escape from the spot. He also submits that the vehicle involved in the accident has been secured. He also submit that there was no previous case is pending as against the petitioner. Hence, he vehemently oppose to grant anticipatory bail to the petitioner.

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

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned



Judicial Magistrate No.II, Tiruvannamalai, 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 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 Court concerned 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 on every Tuesday at 10.30 a.m. for a period of six weeks and thereafter, as and when required for interrogation;

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

(d)the petitioner 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



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petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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;

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

28.02.2023

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