

Crl.O.P.No.4317 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 406 and 420 of IPC in Cr.No.568 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A3 in this case. A1 and A2 purchased two cars from the defacto complainant and paid a sum of Rs.1,00,000/- to the defacto complainant. More so, the remaining amount was not paid to the defacto complainant. On verification, the defacto complainant came to know that the said vehicles were pledged with the petitioner/A3 and A4. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged in the F.I.R. Further he submits that there is no previous case against the petitioner and co-accused granted anticipatory bail by this Court dated 28.02.2023 in Crl.O.P.No.4020 of 2023. However, the petitioner, without prejudice to his rights and contentions is ready and



willing to deposit some amount to the credit of Cr.No.568 of 2022 as directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the respondent submits that A1 and A2 has purchased two cars from the defacto complainant with initial payment of Rs.1,00,000/- without paying the remaining amount, A1 and A2 pledged the cars to A3/petitioner and A4. Further the said cars were dismantled and sold for scrap. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration facts and circumstances of the case and also the fact that the petitioner has voluntarily come forward to deposit some amount to the credit of Cr.No.568 of 2022, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is 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 **Judicial**



Magistrate III, Coimbatore on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (one of which shall be a blood related surety) 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 Rs.1,00,000/- (Rupees One Lakh Only) to the credit of **Crime No. 568 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 amount of Rs.1,00,000/- was deposited by the petitioner to the credit of **Crime No. 568 of 2022** within a period of two weeks and the defacto complainant is permitted to withdraw the said deposit amount of Rs.1,00,000/- on proper identification and acknowledgment;

(b) 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;



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(c)the petitioner shall report before the respondent police on alternative days at 10:30 a.m., for two months;

(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]*; and;

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

02.03.2023

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