

Crl.O.P.No.4414 of 2023

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**T.V.THAMILSELVI, J.**

The petitioner who apprehends arrest for the alleged offence under Section 420 IPC in Cr.No.703 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there are two accused in this case and the petitioner is A2, working as driver under A1. A1 is running a Speed Parcel Service, and hence, took vehicles for lease from the defacto complainant. Thereafter not paid any rental amount to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner was working as a driver under A1, he is not the owner, and no way connected with the case and not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4.The **learned Government Advocate (Crl. side)** submits that A1 was running a Speed Parcel Service, and on false promise took 12 cars from



the defacto complainant for lease. Subsequently, he failed to pay the lease amount and petitioner/A2, also assisted A1. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner was working as a driver only, investigation against him almost completed, 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 I, Thiruppur*, 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 shall be a blood 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 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;

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(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of three months 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 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.

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