



Crl.O.P.No.5010 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 in Crime No.2526 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, T.N.Selvarangam is that the accused had induced him and taken delivery of two tanker lorries and paid an advance amount of Rs.2,00,000/- and agreed to re-pay the balance amount of Rs.7,00,000/- within one month. Thereafter, he has not paid the balance amount and cheated the defacto complainant. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is arrayed as A4 in this case and only A1 had entered into an agreement with the defacto complainant and purchased those tanker lorries from him and thereafter there was a



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default in payment by A1. Subsequently A1 sold one lorry to this petitioner/A4. Thereafter, when the petitioner came to know about the cheating committed by A1 to the defacto complainant, the petitioner surrendered the lorry to A1 and also discharged the entire amount due and payable towards the tanker lorry. Hence he seeks for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that A1/ Sampath Kumar had purchased the above said two tanker lorries from the defacto complainant and thereafter had refused to pay the balance amount. He further submits that this petitioner entered into an agreement with A1 and purchased one lorry and the lorry has been retained by this petitioner. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions of the learned Counsel for the parties, this Court is inclined



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to grant anticipatory bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Ponneri, Thiruvallur District** 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 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.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.



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[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 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

09.03.2023

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