



Crl.O.P.No.5638 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 alleged offences punishable under Sections 420, 468, 471 of IPC, in Crime No.95 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the defacto complainant/S.Thenmozhi, was the owner of a Tractor bearing Registration No.TN-04-T-7727 and the same was handed over to the petitioner. During the course of time, the defacto complainant lost the original RC Book and it was informed to the petitioner. For obtaining, duplicate RC Book, the petitioner had obtained signature from the defacto complainant, thereafter, without the knowledge of the defacto complainant, the petitioner had changed the ownership of the Tractor. Hence, the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel for the petitioner submit that the petitioner



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is an innocent person and has nothing to with the alleged offence. He further submitted that the petitioner is ready to comply any conditions as stipulated by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the petitioner cheated the defacto complainant by changing the ownership of the Tractor without the knowledge of the defacto complainant. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record including the FIR and the documents filed along with this petition.

6.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Mettupalaiyam**, on condition that the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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]***.

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

8.With the above directions, this Criminal Original Petition is ordered.

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15.03.2023



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