



Cr1.O.P.No.5943 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC in Crime No.69 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant, while inspecting the Omni Bus when the petitioner was driving the same bearing registration No.PY 01 CF 6099, he found that the Engine Chassis number was different from the vehicle records. Hence, the de-facto complainant foisted a case against the petitioner before the respondent Police. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he is only the driver of the Omni Bus and he did not know anything about the said vehicle. After the said check up, the petitioner quit his job and was doing another work.



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The petitioner will neither abscond nor evade the investigation and he will cooperate with the investigation. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Cr1. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner.

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

6. Having regard to the allegations made against the petitioner and also the fact that the petitioner is only employed as driver in the Omni Bus concerned, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on



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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, Kangayam**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two sureties** 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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police once in a week at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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.

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