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Crl.O.P.No.6032 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 offence punishable under Section 379 of IPC in Crime No.88 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant B.Gnanasekaran is that due to financial dispute, on 22.08.2020, the petitioner/accused had taken away two skoda cars viz., Skoda Fabia bearing Registration No.TN-56-D-1913 and Skoda Rapid bearing Registration No.TN-30-BA-8471 worth about Rs.15,00,000/- belonging to the de facto complainant and did not return the same. Hence, the complaint was registered against the petitioner/accused.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false



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complaint has been given on account of a financial dispute and the entire case of prosecution is borne out by the documents/records and the petitioner is ready to appear for enquiry. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The respondent has filed a detailed counter affidavit.

5. The learned Government Advocate (Criminal Side) for the respondent would submit that on 22.08.2020, due to financial dispute, the petitioner/accused had taken away two Skoda Cars viz., Skoda Fabia bearing Registration No.TN-56-D-1913 and Skoda Rapid bearing Registration No.TN-30-BA-8471 worth about Rs.15,00,000/- belonging to the de facto complainant. He would further submit that investigation in this case is still pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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6. Heard both sides and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case, the submissions made by Counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered 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-V, Salem**, on condition that the petitioner shall execute a 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:



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[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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

[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.

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