



CrI.O.P.No.7608 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 420, 470, 465, 468 IPC, in Crime No.371 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant had approached the petitioner to sell his Honda City Car bearing registration No. TN 18 Y 0009. It was already hypothecated with Axis Bank, Pondicherry. It is stated that on the other hand, the petitioner herein (A1) had sold it to A2, who in turn hypothecated the Car with A3, who is today in possession of the Car. There was only one entry in the R.C.Book of the Car but there are several transactions reflected about the mortgage and sale, which was not authorised by the defacto complainant.

3. But the fact is that, the Car was already hypothecated with the bank, who had a prior right on the Car in case the loan amount was not paid. This complaint can also be taken as a play among the defacto



complainant and all the accused persons to defeat the rights of the Bank.

Unless investigation is done, the entire issue can never be unravelled. All the accused and the defacto complainant will finally have to subjugate themselves to the authority of the Bank, who is the first mortgagee of the Car.

4.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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, Vizhupuram**, 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.



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[b] the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

4. Accordingly, this Criminal Original Petition is allowed and the respondent is directed to issue notice to the Axis Bank, Pondicherry with reference to the Car bearing registration No.TN 18 Y 0009 and if it is found that it is properly hypothecated with the said Bank, the respondent



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shall take efforts to hand over the Car to the Axis Bank, Pondicherry and not to any of the accused and the defacto complainant. Till such time, the petitioner shall report before the respondent police daily at 10.00 a.m.

15.11.2023

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C.V.KARTHIKEYAN, J.



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