

CrI.O.P.No.8315 of 2023

**A.D.JAGADISH CHANDIRA, J.,**

The petitioners, who apprehend arrest for the alleged offence under Section 406, 420, 468 & 471 of IPC, in Cr.No.3 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Madhan Mohan is that he has an Agriculturist by profession and that he had purchased two Tractors from the accused by borrowing loan from Axis Bank and Sundaram Finance. The further allegation is that they fabricated the documents and false declaration Form 24, the accused have demanded more money than the actual price and cheated him with the help of R.T.O., and other officials in the Motor Vehicles Department. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners sold two Tractors to the defacto complainant. The defacto complainant availed loan from Axis Bank and Sundaram Finance and since he had not repaid the loan amount, one of the



financier had seized the vehicle and the defacto complainant had removed four wheels of the Tractor and had parked it at his house. In order to pass on the blame to escape from payment he has given a false complaint against these petitioners. He would submit that the case of the prosecution is borne out by records and the petitioners are ready to co-operate with the investigation. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that the petitioners who are the owner and manager of the Tractor sales firm had fabricated the documents and by giving false declarations with the help of the RDO officials have cheated the defacto complainant by registering the old Tractors. Hence, he vehemently object for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the material available on record.



6. Taking into consideration of the above facts and submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned Judicial Magistrate No.I, Nagappattinam**, on condition that the petitioners 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 petitioners 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 petitioners are directed to appear before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter every Sunday at 10.30 a.m., until further orders.



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

[d] the petitioners 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.

**05.06.2023**

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