



Crl.O.P.No.8522 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of I.P.C in Crime No.88 of 2023 , seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ B/ Gnanasekaran is that due to financial dispute, on 22.08.2020 the petitioners along with other accused have 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.15,00,0000/- belonging to the defacto complainant and pledged the same. Hence the case.

3.The learned counsel appearing for the petitioners would submit that these petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that a false complaint has been given on account of a financial dispute and the



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entire case of prosecution is bore out by the documents/records and the petitioners are ready to appear for enquiry and also co-operate with the investigation. He would also submit that the petitioners are 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 petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that on 22.08.2020 due to financial dispute, the petitioners have 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.15,00,0000/- belonging to the defacto complainant. He would further submit that this Court had already granted anticipatory bail to the co-accused in Crl.O.P.No.6032 of 2023 vide order dated 16.03.2023. However, he opposed for the grant of anticipatory bail to the petitioners.



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5.Taking into consideration the submissions of the learned Counsel for the parties and also the fact that the petitioners are ready to appear for enquiry and also co-operate with the investigation and this Court had already granted anticipatory bail to the co-accused in Crl.O.P.No.6032 of 2023 vide order dated 16.03.2023, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.5, Salem** on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 shall report before the Respondent Polic every day at 10:30 a.m until further orders.

[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



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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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