



Crl.O.P.No.13354 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 alleged offences punishable under Sections 120B, 379, 403, 406 and 420 IPC, in Crime No. 321 of 2019, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Jayaraman, Regional Manager for M/s.National Collateral Management Service Limited is that, the accused had availed commodity loan from M/s.Axis Bank by pledging ground nuts bag and the defacto complainant was the key guardian of godown and at the time of inspection, the stock of ground nuts given as collateral security was found missing and thereby, the accused have cheated the defacto complainant. 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 further submit that the co-accused has been granted



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anticipatory bail by this Court in Crl.O.P.No.12442 of 2023. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the accused have availed a loan and thereafter the petitioners and other accused has sold the ground nuts bag kept in the godown as security and cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. 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.2, Kallakurichi, Kallakurichi District, on condition that the petitioners shall execute a separate bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety, 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 surety 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 police as and when required for interrogation.

[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.



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[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.

28.06.2023

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