Crl.O.P.No.14050 of 2023

A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC, in Crime No. 3 of 2023, seek anticipatory bail.

2. The case in Crime No.3 of 2023 came to be registered on the complaint given by one Sivakumar that his Yamaha FZ-25 two wheeler bearing Registration No.TN-12-AD-4051, which was parking near Angle Studio, Alwarthirunagari, was found missing. Based on the complaint, initially a case was registered for the offence under Section 379 of IPC against unknown accused. Based on the complaint, an enquiry was conducted in CSR No.105 of 2021. While the enquiry was pending, the defacto complainant had received a challan on 20.12.2021 from Kanchipuram Traffic Office stating that one Nasser was the owner of the vehicle and the entries in the RC Book has also been transferred in his name. On further enquiry, the said Nasser has informed that he purchased the vehicle from one Parthiban through OLX. Later he came to know that the vehicle was taken away by the bank officials, who had

given loan to him. Finding that he was cheated, he had filed a case against the bank officials before the Banking Ombudsman Scheme and due to Banking Ombudsman Scheme found the bank officials guilty for their conduct and had awarded a compensation of Rs.94,000/- against the bank officials. While so, he had received a telephonic call from the bank officials stating that he should come and collect the DD for a sum of Rs.94,000/-. Based on the call, the defacto complainant had gone to get the DD, at that time, the Bank Manager of the bank along with others abused and intimidated with dire consequences to him. Hence, the case.

3. Later a case was registered in Crime No.3 of 2023 for the offence under Section 379 of IPC. Based on the further informations, the case has been altered to Sections 294(b), 406, 420, 506(ii) IPC r/w 34 of IPC

4. The learned counsel appearing for the petitioners would submit that the petitioners are officials of the bank. The defacto complainant had earlier taken loan from the bank and purchased a motorcycle. He would submit that he had been regularly paying the

instalment. However, on account of mistaken identity, the vehicle of the defacto complainant was repossessed by the bank and against the mistaken repossessed of the vehicle, the defacto complainant had earlier filed a complaint before the Banking Ombudsman Scheme and the Banking Ombudsman had found fault with the bank and awarded compensation of Rs.94,000/-, which was also paid to the defacto complainant on 31.03.2022. While so, the defacto complainant in order to put pressure on the bank, to make a illegal and undue claim has given a false complaint as if he was made to come to the place near Tambaram and the bank managers and other officials had assaulted him. He would further submit that no such incident was happened and a false complaint has been given only for the purpose of making an illegal and false claim against the bank under the threat of police action. The learned counsel for the petitioners submitted that the petitioners are ready to abide by any stringent condition that may be imposed on them. He also submitted that earlier the motorcycle was also seized by the respondent police and the defacto complainant has filed a petition before the concerned Magistrate and the defacto complainant has also taken back return of the vehicle.

5. The learned Government Advocate (Crl.Side) would submit that the petitioners are bank officials. They have wrongly taken the vehicle of the defacto complainant, subsequently, the defacto complainant was awarded a compensation and the petitioners have called him to receive the cheque and they abused him and assaulted him.

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

7. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 Chief Judicial Magistrate, Poonamallee,** on condition that the petitioners shall execute separate bonds 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 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 police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when requried 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.

[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].**

A.D.JAGADISH CHANDIRA,J.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.06.2023

Lpp

Crl.O.P.No.14050 of 2023