



Crl.O.P.No.15088 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under **Sections 406 and 420 IPC** in Crime No.150 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, the petitioner is an accused in Crime No.150 of 2023 registered for the offences under Sections 406 and 420 IPC. It is his submission that in 2019, Toyota Fortuner Car bearing Registration No.TN-66-AL-0005, was purchased by the petitioner's brother in the name of his wife, namely, the defacto complainant. However, the defacto complainant has given a false complaint alleging that, she purchased the aforesaid car and on that basis, the FIR came to be registered. In support of his submission, he produced the copy of the arbitration award, passed in A.P.No.0072 of 2023 dated 27.04.2023 and also the copy of account statement, to show that the petitioner's brother has been paying the EMI amount for the car.



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3. In response, the learned Government Advocate (Crl. Side) submitted that, the case of the defacto complainant is that, she purchased the aforesaid car and the petitioner and her husband is illegally possessing the car. Therefore, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. Considering the relationship between the petitioner and the defacto complainant that, they are relatives and the rival claims made by the parties with regard to the purchase of the aforesaid car and having regard to the facts and circumstances, this Court is of the view that the custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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-VII, Coimbatore**, on condition that the petitioner



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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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

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

[d] the petitioner 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.

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