



Crl.O.P.No.19872 of 2023

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G.CHANDRASEKHARAN, J.

This petition is filed to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.184 of 2023 pending investigation on the file of the respondent.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated as accused for the offences under Section 147, 120 b, 379, 420, 294 (B) and 506 (ii) I.P.C in Cr.No.184 of 2023. Petitioners are innocents. Apprehending arrest, this petition is filed for seeking anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that *de-facto* complainant is the owner of the lorry bearing No.TN 28 AU 8172. For the purpose of getting repair works, the vehicle was entrusted to Manager Manikandan and driller Senthilkumar. However, both had taken the rig and threatened to kill him. The *de-facto* complainant gave a complaint to the Police on 13.12.2021. However, no action was taken. Thereafter, Alavudeen, Jahir Hussain, Ramesh and Thiyagarajan along with Manikandan and Senthilkumar, to grab money from the *de-facto* complainant,



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made a proposal to the *de-facto* complainant to pay Rs.5,00,000/-; If Rs.5,00,000/- is given, they promised that the vehicle would be returned to him. Without no option, *de-facto* complainant arranged for Rs.4,50,000/- and paid it to Alavudeen, Jahir Hussain, Manikandan and Thiyagarajan. Even thereafter, they had not made arrangements for returning the rig. When *de-facto* complainant made a phone call to them on 24.07.2022, and requested for return of the rig, they threatened to kill him. In the said circumstances, the complaint was given. The learned Government Advocate (Criminal side) further submitted that neither the rig nor the amount of Rs.4,50,000/- was recovered from the accused.

4. The earlier anticipatory bail petition filed by the petitioners in Crl.O.P.No.16904 of 2023 was dismissed on 02.08.2023. Even thereafter, the respondent police have not taken any steps for arresting the accused in this case.

5. When the matter is taken up today, the learned counsel for the petitioners submitted that petitioner Alavudeen lent a sum of Rs.10,00,000/- to the *de-facto* complainant and executed promissory



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note dated 29.11.2021 evidencing the borrowal of Rs.10,00,000/-.

That apart, he issued a cheque bearing No.804064 of State Bank of India, Belur branch for the same amount. Apart from these two filled signed negotiable instruments, *de-facto* complainant also gave a signed but unfilled and undated promissory note and signed unfilled stamp paper dated 29.11.2021 and concur sheet, signed but unfilled in support of the monetary transaction between the *de-facto* complainant and the petitioner Alavudeen.

6. These documents *prima-facie* establishes the fact that there had been monetary transactions between the *de-facto* complainant and the petitioner Alavudeen. Taking these factors in to account and in action on the part of the respondent police to nab the accused to proceed further and the fact that participation of the petitioners in the investigation is necessary to bring the investigation to close, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

7. Accordingly, the petitioners are ordered to be released



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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 Thiruchengode**, 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 shall report before the respondent police everyday at 10.30 a.m., until further orders;

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



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[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.

20.09.2023

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