



Crl.O.P.No.23813 of 2022

Orders Reserved on
22.09.2023

Orders Pronounced on
27.09.2023

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RMT. TEEKAA RAMAN., J.

The petitioners who are arrayed as A.1 to A.4 are employees of M.s..Equitas Small Finance Bank. They apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 323 & 379 of IPC, registered in Crime No.477 of 2022, seek anticipatory bail .

2. The case of the prosecution is that the petitioners have assaulted the defacto complainant and have seized the Mini Bus bearing Regn.No.TN39 BC 3786 and have run away with the mini bus.

3. The learned counsel for the petitioner submitted that the defacto complainant has obtained vehicle loan from M/s.Equitas Small Finance Bank wherein the petitioners are working as a recoverable Managers and as the defacto complainant failed to repay the EMI, the Bank has invoked the Arbitration clause. The Bank has filed Section17 of A&C Act application



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for seizure of the hypothecated vehicle and the same has been allowed by the Arbitrator on 06.04.2022 in the Interim Application No.1 of 2022. Accordingly, they went and seized the vehicle, however different colour has been given.

4. The learned counsel for the intevenor would contend that on the date of appearance before the Arbitrator, he made appearance inspite of objections that the seizure of vehicle was ordered by the Arbitrator.

5. Heard the learned counsel for the petitioners as well as the intervenor and the learned Government Advocate (crl.side).

6. Be that as it may, the copy of the order passed in I.A.No.1 of 2022 is filed wherein the warrant of seizure has been ordered by the Arbitrator Tribunal, Chennai and hence taking into consideration the re-possession of the vehicle is pursuant to the order passed by the Arbitrator, I am inclined to grant anticipatory bail to the petitioners.



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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 is made ready, before the learned **Judicial Magistrate – II, Chengalpattu** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum 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 petitionerz shall report before the respondent police on Saturday 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.



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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 petitioners 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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RMT. TEEKAA RAMAN., J.

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order in
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