



Crl.O.P.No.20142 of 2023

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WEB CRI. O.P. NO. 20142 OF 2023
RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 294(b), 420 & 506 (ii) of IPC in Crime No.22 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant is the Poojari in Angalamman Temple. He got acquainted with the second accused through his friend Sathish for performing Pooja in Temple. Further, the Petitioner herein and the second Accused got acquainted in view of conducting poojas in the said temple. While things being so, A2 and the Petitioner herein informed that they are partners of Maruthi Car showroom in Salem and assured the Defacto Complainant that they will procure car for the Defacto Complainant in showroom price. The vehicle bearing Reg. No.TN 54 V 1129, white colour swift VXi also booked in Defacto Complainant's name. The Defacto Complainant paid a sum of Rs.3,50,000/- on 23.06.2021 to the account of Anand, on instruction of accused from his brother's account and loan also obtained for the vehicle in Defacto Complainant's name and for the same cheque issued by him. But the vehicle not given to him. Further, in order to clear the loan, the Defacto Complainant paid totally a sum of Rs.13,00,000/- to



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the Accused persons. When they asked for vehicle, the Accused and the Petitioner herein threatened the Defacto Complainant that they will made the vehicle involve in case. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is not involved in the above said offence and he has been falsely implicated in this case. The Petitioner is the partner of Maruthi showromm and as she is acquainted with the process of loan sanction, she helped needy person in availing the loan. The second accused sought for the Petitioner's help and being the brother, the Petitioner also helped him. The Petitioner is no way connected with the case and not received any money through her account from the Defacto Complainant. As per the undertaking given by the Petitioner on 12.09.2023 before this Court, the Petitioner has deposited a sum of Rs.5,00,000/- in Crime No.22 of 2023 on the file of CCB, Salem. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case



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and also the submissions made by the learned counsel on either sides and the fact that as per the undertaking given by the Petitioner on 12.09.2023 before this Court, the Petitioner has deposited a sum of Rs.5,00,000/- in Crime No.22 of 2023 on the file of CCB, Salem, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

7. 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 IV, Salem**, on condition that the Petitioner shall execute a separate 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, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;**



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[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

22.09.2023

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