



Crl.O.P.No.22602 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 IPC in Crime No.223 of 2023, seeks anticipatory bail.

2. The allegation raised by the defacto complainant is that the petitioner borrowed money from the defacto complainant, who is an advocate and refused to repay the same.

3.The case of the petitioner is that he is doing business as a middle man to purchase and sell second hand cars and he is an innocent person, no way connected to the alleged offence. Hence, he seeks for grant of bail.

4.The learned Government Advocate (Criminal Side) for the respondent would submit that A1 had apparently agreed to sell a car to the defacto complainant and had received a sum of Rs.8,00,000/- out of total consideration of Rs.13,00,000/-. The defacto complainant, however, took possession of the car and had taken it to Puducherry and found that the car was missing and later it came to be known that A1 had taken the car. It is under these circumstances that the complaint had been given.



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5.The petitioner is only a middle man and the actual person who received the money is the 1st accused. In view of these facts, 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 – II, Alandur, on condition that the petitioner 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., until further orders.

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



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

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