



Crl.O.P.No.23945 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 406 of IPC in Crime No.289 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a loan for a sum of Rs. 1,00,000/- from the petitioner and the defacto-complainant had lent his JCB for three months. It was returned back to the defacto-complainant. Thereafter, the petitioner had taken away lorry of the defacto Complainant and refused to pay the rent for lorry. Hence, the complaint.

3. The learned counsel for the petitioner stated that no such vehicle had been given for rent by the this defacto complainant. The defacto-complainant promised to repay the amount of Rs. 1,00,000/- within a period of one month. In order to cheat the petitioner, the defacto complainant made a false complaint for illegal gains. The learned counsel for the petitioner further submits that the petitioner has been arrayed as



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Accused in this case. This petitioner is innocent person and he has not committed any offence as alleged by the respondent. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate appearing for the respondent police submitted that this petitioner lending money to the defacto-complainant and later for compensation this petitioner illegally detained the lorry of the defacto-complainant and did not paid any rent to the said lorry. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the above facts, this Court is inclined to grant anticipatory bail to the petitioner herein 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 cum District Munsif, Vaanoor** 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



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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 appear before the respondent police daily at 10.30 a.m., for the period of two weeks and thereafter as and when required.

[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



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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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