

Crl.O.P.No.30488 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 420 of IPC in Cr.No.155 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally four accused & petitioner is arrayed as A3. A1/Sathish Raja and A2/Balani had taken the car belonging to the defacto complainant as a security for a loan of Rs.1,38,000/- and subsequently, when the defacto complainant repaid the money and approached A1 and A2 to return the vehicle, they have not returned the vehicle were avoiding to return the same. Hence, the defacto complainant lodged a complaint. After registering the case, A2 was arrested. During the course of enquiry, the police came to know that A1 and A2, joined with A4, and sold the car to A3. Hence, the case.

3.The learned counsel appearing for the petitioner/A3 would submit that this petitioner has not committed any offence as alleged by the prosecution. He further submitted that based on the confession of A2, this



petitioner was added in this case and his client only a bonafied purchaser of the vehicle. He would also submit that A2 was granted bail and A1 has got anticipatory bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that as per the confession of A2, A3 was added in this case. All the accused persons colluded each other and sold vehicle to A3. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and the submissions that the petitioner is ready and willing to deposit some amount to the credit of Cr.No.155 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of crime No. 155 of 2022 within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioner is ordered to



be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate Court No.5, Coimbatore**, 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 deposit a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of crime No. 155 of 2022 within a period of three weeks** from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] **the petitioner shall appear before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.**

**T.V.THAMILSELVI, J.***vsn*

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

04.01.2023*vsn***Crl.O.P.No.30488 of 2022**