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Crl.O.P.No.26371 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 294(b), 406, 420, 506(i) of IPC in Crime No.629 of 2023, seeks anticipatory bail.

2.It is stated that the petitioner is running Nivetha Cars and Travels. He had got acquainted with the defacto complainant. He had also obtained a car from the defacto complainant on rental basis of Rs.32,000/- per month. He did not repay the rental amount. He did not return back the car. It is also stated that he had also received a sum of Rs.5,00,000/- from the defacto complainant promising Government job.

3.The learned counsel for the petitioner stated that the main allegations are only against the father of the petitioner, who had since



Crl.O.P.No.26371 of 2023

died. But a reading of the First Information Report shows that, the name of the petitioner is also reflected in the allegation. It is however, stated that the car had been returned back to the defacto complainant.

4.Taking that one factor into consideration, this Court is inclined to grant anticipatory bail to the petitioner, on condition that the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.629 of 2023 before the Judicial Magistrate, Sankarapuram. The learned Judicial Magistrate may transfer the said amount to any fixed deposit interest earning account and pass final orders after conclusion of the trial. If the petitioner is acquitted, the amount with interest may be handed back to the petitioner and if the petitioner is convicted, the amount with interest may be handed over to the defacto complainant.

5. 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, Sankarapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



Crl.O.P.No.26371 of 2023

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., for a period of two weeks and thereafter as and when required for interrogation.

[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]**.



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Crl.O.P.No.26371 of 2023

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

21.11.2023

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Crl.O.P.No.26371 of 2023

Crl.O.P.No.26371 of 2023