



Crl.O.P.Nos.27923 and 28223 of 2023

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C.V.KARTHIKEYAN, J.

The Accused A1 has filed Crl.O.P.No.27923 of 2023 and the Accused A2 and A3 have filed Crl.O.P.No.28223 of 2023, both in same Crime No.550 of 2023 registered by the Respondent Police for the offences under Sections 454 and 380 IPC read with Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was running a shop at Coimbatore and for his business purposes, he had availed a loan of Rs.16,00,000/- from the 1st Accused. It is also contended that though he had repaid the amount towards discharge of the loan, the Accused persons had entered into his shop and had taken away a list of movable articles and also a car belonging to the defacto complainant.

3. The learned counsel for the Petitioners herein, however, contended that the defacto complainant is the resident of Kerala and had come over to Coimbatore to do business and without settling the loan advanced by the Accused, he had closed down his shop. The Accused



Crl.O.P.Nos.27923 and 28223 of 2023

persons were apprehensive that they would be left no security for the repayment of the loan. Though it is not justifiable, they appear to have taken away several movable items from the shop of the defacto complainant and also a car.

4. This Court wanted a list of materials which had been so taken and at that particular list had been filed by the learned counsel for the Petitioners herein in Crl.O.P.No.27923 of 2023. There are list of 24 items. Quite apart from that, the vehicle, namely Maruthi Baleno car bearing registration No.KL 50 F 7009 is also admittedly in the possession of the Petitioners herein.

5. A direction is hereby given to the Accused persons that they must surrender the said vehicle to the Respondent and also the 24 items as given in the list presented before this Court to the Respondent Police. The Respondent may seize it under proper Mahazar and hand over both the vehicle and the 24 items to the Judicial Magistrate No.II, Coimbatore, where FIR in Crime No.550 of 2023 is pending. The learned Judicial Magistrate No.II, Coimbatore may issue notice to the defacto complainant and hand over



Crl.O.P.Nos.27923 and 28223 of 2023

all those items including the car to the defacto complainant under proper acknowledgement. If the defacto complainant has any grievances, he may put them in writing and take back the articles and during the course of trial may led the evidence about the same. A copy of the list of articles which has been filed today may also be presented before the Judicial Magistrate No.II, Coimbatore at the time of executing the sureties along with the details about the registration of the car and any documents relating to the car if available with the Petitioners.

6. On placing reliance with the above conditions, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate – II, Coimbatore**, on condition that the petitioners 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



CrI.O.P.Nos.27923 and 28223 of 2023

dismissed and on further condition that:

[a] the petitioners 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 petitioners must surrender the said vehicle to the Respondent and also the 24 items as given in the list presented before this Court to the Respondent Police. The Respondent may seize it under proper Mahazer and hand over both the vehicle and the 24 items to the Judicial Magistrate No.II, Coimbatore, where FIR in Crime No.550 of 2023 is pending. The learned Judicial Magistrate No.II, Coimbatore may issue notice to the defacto complainant and hand over all those items including the car to the defacto complainant under proper acknowledgement. If the defacto complainant has any grievances, he may put them in writing and take back the articles and during the course of trial may led the evidence about the same. A copy of the list of articles which has been filed today may also be presented before the Judicial Magistrate No.II, Coimbatore at the time of executing the sureties along with the details about the registration of the car and any documents relating to the car if available with the Petitioners.



Crl.O.P.Nos.27923 and 28223 of 2023

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[c] the petitioners shall report before the Respondent Police daily at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

18.12.2023

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Crl.O.P.Nos.27923 and 28223 of 2023

C.V.KARTHIKEYAN, J.

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Crl.O.P.Nos.27923 and 28223 of 2023

18.12.2023