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Crl.O.P.No.28174 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2 seeks anticipatory bail in Crime No.682 of 2023 registered by the respondent Police for the offences punishable under Sections 406, 420 and 379 of IPC, with reference to an occurrence took place on 22.08.2023.

2. The defacto complainant's husband died. He was possessed with a lorry bearing Registration No. TN-18 AY 0931. He had given it one Nagarajan who is the first accused. The petitioner herein was a mediator who arranged sales of the lorry to the third accused.

3. It is stated that the lorry had now been seized, but the engine number had been changed. A3 had been arrested and is still in custody. So far as role of this petitioner is concerned, it is stated that he had acted as a broker for the sale of the lorry. The total consideration was Rs.18 lakhs, but only Rs.2 lakhs had been handed over to the defacto complainant.



Crl.O.P.No.28174 of 2023

WEB COPY

4. The learned counsel stated that this petitioner had also received commission for such sale.

5. Taking into consideration, that the petitioner was only a mediator and not the person who was involved in changing the engine number which is said to be an offence committed by A3.

6. However, taking all the other factors into consideration and that this Court is inclined to grant anticipatory bail to the petitioner, but however, **directing the petitioner to deposit an amount of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of Crime No.682 of 2023 before the X Metropolitan Magistrate, Egmore, Chennai. The said amount may be handed over by the X Metropolitan Magistrate, Egmore, Chennai to the defacto complainant.**

7. Accordingly, the petitioner is 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



Crl.O.P.No.28174 of 2023

WEB COPY

X Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner 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 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 the 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



Crl.O.P.No.28174 of 2023

WEB COPY

action against the petitioner 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]**.

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

18.12.2023

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