



Crl.OP.No.976 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A3 in Cr.No.52 of 2022 registered by the respondent police for the offence punishable under Sections 406, 420 and 120B of IPC with respect to an occurrence which happened between 15.07.2021 and 15.10.2021 and FIR was registered on 20.07.2022 seeks anticipatory bail.

2. It is case of the prosecution that this petitioner and the other accused had given one JCB Vehicle bearing Regn.No.TN-67-BF-4314 and another, an unregistered JCB Vehicle for lease to the defacto complainant for a period of six months for a total amount of Rs.20,50,000/- . However, the respondent seized both the JCBs' on the ground that they are stolen vehicles. It was under those circumstances, the complaint was lodged. So far as this petitioner is concerned, it is claimed that by bank transfer a sum of Rs.4,90,000/- had been transferred to his account.

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3. It is stated by the learned counsel for the Intervenor stated that a substantial sum of Rs.25,00,000/- had been cheated by giving on lease stolen JCBs. It is stated that the Intervenor did not know that the JCBs' were stolen.

4. The learned Government Advocate (Crl.Side) stated that to the account of this petitioner a sum of Rs.4,90,000/- had been directly transferred.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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-I, Tiruvallur* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**



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with two sureties, 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.3,00,000/- (Rupees Three lakhs only) to the credit of Cr.No.52 of 2022 within a period of two weeks and on such deposit, the learned Judicial Magistrate-I, Tiruvallur may hand it over to the defacto complainant on proper undertaking, identification and acknowledgement.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

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

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



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[f] 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]**.

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

7. It is made clear that by such deposit, the petitioner is not implied to have accept admitted to the offence. It is also made clear that the defacto complainant is at liberty to claim further damages/compensation in the manner known to law and if any amount is so paid, this amount of Rs.3,00,000/- can be adjusted.

8. With the above directions, this Criminal Original Petition is ordered.

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