



CrI.O.P.No.1130 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 379 & 506(1) of IPC in Crime No.544 of 2023, seeks anticipatory bail.

2.It is stated that the petitioner is doing a business in buying and selling old cars under the name Vinayaga Cars. It stated that the defacto complainant wanted to purchase a second hand car. The petitioner had given his own black Toyota Fortuner car bearing Registration No.TN-22-CM-6999. The total cost was determined at around Rs.17/- lakhs. It is stated that the defacto complainant had paid by cheque a sum of Rs.4/- lakhs and taken away the car and was using it for the past two years. Complaining that the defacto complainant had not paid the balance money, the petitioner had given a complaint which was registration as CSR No.341 of 2022 on 08.03.2022. He had also filed an application before the Judicial Magistrate – I, Poonamallee in CMP No.3324 of 2022 on 03.11.2022. He had also given a complaint before



the Commissioners at Avadi, SRMC and Chennai on various dates.

Totally, he had given 18 such complaints.

3. Thereafter, the defacto complainant had lodged a complaint in which the present FIR had been registered stating that the petitioner had not come forward to sell the car, though he had paid a sum of Rs.8.5/- lakhs.

4. The learned counsel stated that the defacto complainant had been using the car which still belongs to the petitioner for the past two years.

5. Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.I, Poonamallee, 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



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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]**.

C.V.KARTHIKEYAN, J.



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

30.01.2024

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