



Crl.O.P.No.584 of 2024

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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 Section 420 of IPC in Crime No.823 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of three buses. It is stated by the learned counsel for the petitioner that one buses was rented out on lease to the defacto complainant. The petitioner retained the two other buses. It is thereafter stated that the defacto complainant agreed to take out those two buses on rental basis and had also collected the original RC Book. Claiming that the original RC Book should be returned, the petitioner filed O.S.No. 123 of 2022 before the District Munsif Court, Mayiladuthurai.

3. It is the case of the prosecution on the other hand that the defacto complainant had agreed to purchase the three buses and that the petitioner had taken back one bus on rental basis. It is stated that the petitioner had sold that particular bus to a third party. The defacto complainant had however also filed O.S.No. 110 of 2022 before the Additional District Court, Mayiladuthurai, seeking repayment of consideration paid for the purchase of that third bus. In effect, all the matters are pending before the Civil Court.



Crl.O.P.No.584 of 2024

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4. In view of these particular facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Judicial Magistrate No.I, Mayiladuthurai, 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 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., until further order.

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



Crl.O.P.No.584 of 2024

WEB COPY

[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]**.

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

19.01.2024

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