



Crl.O.P.No.1639 of 2024

Crl.O.P.No.1639 of 2024

WEB C **G.CHANDRASEKHARAN.J.**

This petition is filed to enlarge the petitioner on anticipatory bail in the event of arrest in connection with the Crime No.153 of 2023 on the file of the respondent police pending investigation.

2. It is the submission of the learned counsel for the petitioner that petitioner has not involved in the offence alleged in the First Information Report in Crime No.153 of 2023 for the offence under Sections 406, 420 and 506(I) of IPC. Defacto-complainant gave false complaint against the petitioner. Apprehending arrest, this petition is filed for anticipatory bail.

3. In response, the learned Government Advocate (Crl. Side) submitted that, defacto complainant's husband own a car bearing Reg.No.TN 43 F 1085. He used to rent his car. On 26.06.2022, one Ramesh has taken this car for his own purpose. Later, he did not return the car. It transpired that he along with Anbu and Suresh mortgaged this car with one Jagan. All the accused are still absconding and the car is not recovered.



4. It is seen that, earlier anticipatory bail was dismissed on 27.07.2023 on the ground that the accused are absconding and the car is not recovered so far.

Since, the dismissal of anticipatory bail petition on 27.07.2023, respondent police have not done any effective investigation either to arrest the accused or seizure of the car. FIR is unnecessarily pending without any progress.

5. Considering the long pendency of the FIR without any progress, delay in arresting the accused and that, it exhibits lack of interest and lack of efforts shown by the Police in arresting the accused and recovering the car bearing Reg.No.TN 43 F 1085 and in order to bring the investigation to a close, this Court is inclined to grant anticipatory bail to the petitioner with 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, Ooty, Nilgiris District** on condition that the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 everyday at 10.30 a.m., until further orders;

[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].



WEB COPY



Crl.O.P.No.1639 of 2024

G.CHANDRASEKHARAN, J.

Sma

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

12.03.2024

Sma

Crl.O.P.No.1639 of 2024