



Crl.OP.No.793 of 2024

Crl.O.P.No.793 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A1/Branch Sales Manager of Tata Motors Finance Ltd, Namakkal seeks anticipatory bail in Crime No.665 of 2023 registered by the respondent police for the offences punishable under Sections 188, 120B and 420 of IPC.

2. It is stated that the petitioner had financed the loan for purchase of Ashok Leyland Heavy Vehicle bearing Regn.No.TN-88-Y-2571, originally, for A2, to purchase the same from A3. Thereafter, the defacto complainant had stepped in and wanted to purchase the vehicle from A2 and even on that occasion, the petitioner had sanctioned loan to enable the defacto complainant to purchase the vehicle, amount of Rs.9,00,000/- had been sanctioned by the petitioner.

3. It is stated that the defacto complainant had returned back a



Crl.OP.No.793 of 2024

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sum of Rs.8,00,000/- to A2. Thereafter, it was found that the vehicle had actually been involved, when it was originally held by A3, in an offence under the Mines and Minerals Act. Later, owing to that particular aspect had been seized by that investigating Officer and the same is now under the custody of particular investigating Officer. It is under those circumstances, the complaint had been lodged.

4. The petitioner is a Financier and had only financed his amount to for purchase of vehicle. The learned counsel for the petitioner claimed that the petitioner was unaware about the fact that the vehicle was involved in any offence earlier to the two finances extended by the petitioner, first that to A2 and later to the defacto complainant.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in



Crl.OP.No.793 of 2024

WEB COPY

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, Namakkal* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** 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 report before the respondent police every day at 10.30 a.m for a period of two weeks and thereafter as and when required for investigation.

[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



Crl.OP.No.793 of 2024

WEB COPY

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.

22.01.2024

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