



WEB COPY



Crl.O.P.No.5753 of 2024

Crl.O.P.No.5753 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/A2 seeks anticipatory bail in Crime No.665 of 2023 registered by the respondent Police for the offences punishable under Sections 188, 120(b) and 420 of IPC, with respect to an occurrence which took place on 26.07.2022.

2. It is the case of the prosecution that A1, Manager of the Tata Motors Finance Company in Namakkal having found out that the defacto complainant wanted 12 lorries had stated that the Finance Company had seized a lorry and was putting it up sale and offered the same to the defacto complainant.

3. It is stated that the defacto complainant had paid a sum of Rs.17,20,000/- for the said lorry. It is also stated that this petitioner who was working under A3 and A4 had received a sum of Rs.92,000/-, since the lorry was in the name of this petitioner.



Crl.O.P.No.5753 of 2024

WEB COPY

4. It had been found that the said lorry was actually involved in a case registered under the Mines and Minerals Act and consequently it was seized by that particular investigation agency. The defacto complainant was left without a lorry having paid a sum of Rs.17,20,000/-

5. The learned counsel for the petitioner stated that the petitioner was only working under A3 and A4 and they had purchased a lorry in his name and but he had not benefited by the usage of the lorry. But, however that he had received a sum of Rs.92,000/-, is admitted.

6. To that extent, I would like to place my deep appreciation on the bona fide representation made before this Court.

7. However, taking all those factors into consideration this Court is inclined to grant anticipatory bail to the petitioner, but however, directing the petitioner to deposit a sum of **Rs.92,000/- (Rupees Ninety Two Thousand only) as non-refundable deposit to the credit of Crime No.665 of 2023, before the Judicial Magistrate No.I, Namakkal. The said amount may be handed over by the Judicial Magistrate No.I, Namakkal to the defacto**



Crl.O.P.No.5753 of 2024

complainant.

WEB COPY

8. It is made very clear that this deposit does not indicate that the petitioner has admitted to the allegations against him. It does not preclude the defacto complainant from claiming any further damages as compensation.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.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.



Crl.O.P.No.5753 of 2024

WEB COPY

[b] the petitioner shall report before the respondent police everyday 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 petitioners 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.

08.03.2024

rjr



WEB COPY



Crl.O.P.No.5753 of 2024

C.V.KARTHIKEYAN, J.

rjr

Crl.O.P.No.5753 of 2024

08.03.2024