



Crl.O.P.No.13966 of 2024

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T.V.THAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 470, 294(b) and 506(1) IPC in Crime No.266 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 05.06.2024, the defacto complainant had given a sum of Rs.24,00,000/- to the petitioner for the development of business and thereafter, the petitioner did not repay the same. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner sold the tanker lorry to the defacto complainant and failed to pay EMI loan as per the terms to the Indusind Bank and now the defacto complainant gave a false complaint as if, the petitioner has to pay the tune of nearly about Rs.24 lakhs. He further submits that through bank transactions, the petitioner has paid the amount on various occasions to the defacto complainant and her husband viz., Mohan and also produced the bank statements for the same. He also submits that the petitioner is ready to abide



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by any stringent conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor raised objection stating that the statements produced by the petitioner are totally differs and it is not relevant to the dispute with regard to the purchase of the tanker lorry.

5. The learned counsel for the petitioner also submits that as per the statement of Indusind Bank, the defacto complainant has paid 5 EMI transactions and thereafter, he failed to pay the same.

6. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the vehile which is the subject matter of the case i.e., the tanker lorry was seized by the Bank and the same is now under the custody of the Bank.

7. Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

8. Taking into consideration the facts and circumstances of the case and the submissions made by the both counsel, and also the fact that the vehicle which is the subject matter of the case was seized by the Indusind Bank, this Court is inclined to grant anticipatory bail to the petitioner with



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certain conditions.

9. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned District Munsif cum Judicial Magistrate, Valangaiman**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, [out of which, one surety must be a blood related one] 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.266 of 2024, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the concerned Magistrate at the time of executing the bail bond and on such deposit, the defacto complainant shall be permitted to withdraw the same, on filing of "undertaking affidavit and proper identification and acknowledgment."

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond



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and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 has been imposed and the petitioner is released on anticipatory 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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