



**Crl.O.P. No.19395 of 2024**

**P. DHANABAL,J.**

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The petitioner apprehends arrest for the alleged offences under Sections 308(2), (4) of BNS, 2023 in Crime No.424 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the accused 1 & 2 along with other accused snatched the de-facto complainant's car bearing Reg.No.TN-02 CB 3100. Hence the case.

3. The learned counsel appearing for the petitioner submits that the respondent has registered a false case against the petitioners alleging that the petitioners and other accused had threatened the de-facto complainant and pushed him from the back and snatched his brand new car on 25.06.2024 at about 05.30 p.m. bearing Reg.No.TN-02 CB 3100 from the entrance of the Toyota Lanson Showroom at Koyambedu. In fact, the first petitioner is running fruit shop in the name of AST Fruit Company at Koyambedu and four outlets in and around the city. The de-facto complainant is working under the first petitioner for past 14 years and he was the full incharge of the shop. Whiles, the first petitioner was suffering from multiple ailments for the past one year; got admitted in various hospitals in Chennai, taking



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advantage of his absence and inability, the de-facto complainant along with his lover started misusing the accounts and swindled more than a sum of Rs.70,00,000/-. That apart, he has also misused the first petitioner's name and taken stocks from various traders to a tune of Rs.35,00,000/-. When the same was questioned by the petitioners, the de-facto complainant admitted the same and agreed to repay the amount by transferring the flat and his car to the petitioner's name and also he entrusted the car to the first petitioner. Thereafter, the de-facto complainant has given a cheque bearing No.000115 for a sum of Rs.35,00,000/-, when the same was presented for collection, it was returned. Hence, the first petitioner gave a complaint against the de-facto complainant. As a counter blast, the present complaint has been registered against the petitioners. He further submitted that the petitioners are ready and willing to furnish substantial sureties for their due release and to abide by any conditions that may be imposed by this Hon'ble Court and therefore, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that based on the complaint given by the de-facto complainant, they registered FIR under Section 308(2), (4) of B.N.S. Act, the petitioners snatched the car from the de-facto complainant



and thereby, he gave a complaint and the investigation is not yet completed.

Hence, he strongly opposed for granting anticipatory bail to the petitioners.

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5. Considering the rival submissions made on both sides and considering that there is a money dispute pending between the parties and also considering the relationship between the first petitioner and the de-facto complainant as employer and employee and also taking into consideration that there is a delay in lodging the complaint and considering all other aspects, I am inclined to grant **anticipatory bail** to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on 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 V Metropolitan Magistrate, Egmore, Chennai* 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 and on further condition that:

[a] **the petitioners shall report before the respondent police everyday at 10.30 am until further orders;**

[b] the petitioners shall not abscond either during



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investigation or trial.

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate

**P. DHANABAL.J.,**

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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]*.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

**14.08.2024**

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To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, K11, CMBT Police Station, CMBT, Koyambedu, Chennai.



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