



Crl.O.P.No.19873 of 2024

P.DHANABAL, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No. 465 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that Poornima and Naveen decided to purchase a second hand car in the name of Lakshmi Priya, who is Naveen's sister. The said car was purchased through hypothecation and EMI. The monthly installments were paid by Naveen through his sister Lakshmi Priya. Thereafter, they decided to sell the Car to one Ramkumar. During February 2021, they handed over the said Car to the said Ramkumar who in turn transferred the EMI amount to Naveen's Account. Due to non-payment of EMI amount for more than one year and the said Ramkumar being untraceable. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that no previous case is pending against him and he has



been falsely implicated in this case. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there is dispute between the parties in respect of payment of EMI to the Car. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above submissions made by the learned Counsel on either side, no previous case is pending against the petitioner, nature of offence and there is a dispute regarding payment of EMI for the Car, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate-II, Alandur*** on condition that the petitioner shall execute a separate 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 petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on everyday at 10.30 a.m., for 30 days;

[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 has been imposed and the petitioner is 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]***; and;



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

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