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Crl.O.P.No.23098 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/A4 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 506(i) of IPC in Crime No.153 of 2023 on the file of the respondent, seeks anticipatory bail.

2.It is the case of the prosecution that the husband of the defacto complainant owns an Etios car bearing Registration No. TN-43-F-1085. It is stated that A1 needed a car and took the car and thereafter, he did not bring back the car. It is the case of the defacto complainant that the car was ultimately given to the petitioner herein.

3.The learned counsel for the petitioner, however, stated that the petitioner is not in possession of the car.



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4.However, it would only be appropriate, to ensure bonafide, that the petitioner is directed to deposit an amount before the Court. Accordingly, without entering into a detailed discussion on the merits of the case, the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of crime No.153 of 2023 and on such deposit, the learned Judicial Magistrate, Ooty may hand over a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the defacto complainant and who may receive it without prejudice to raise a claim for further amount / compensation. The learned Judicial Magistrate, Ooty, may transfer the balance amount of Rs.1,00,000/- (Rupees One Lakh) to any interest earning fixed deposit account in anyone of the Nationalized Banks and pass final orders on conclusion of trial. If the petitioner is acquitted, the amount with interest may be handed back to the petitioner and if the petitioner is convicted, the amount with interest may be handed over to the defacto complainant. It is made clear that by making this payment, it does not meant that the petitioner has admitted to any of the allegations raised against him.



5. With the above observations, this Court is inclined to grant anticipatory bail to the petitioner and 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 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Ooty, 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, 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 everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.



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[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 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.

06.02.2024

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