



Crl. O.P. No.26778 of 2024

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P. DHANABAL.J.,

The petitioner / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 468, 471, 406 and 420 of IPC in connection with the Crime No. 348 of 2024, seeks anticipatory bail.

2. The case of the prosecution is the de-facto complainant claim to have appointed the petitioner as a service provider for collecting EMIs and recovering vehicles, formalized in a service provider agreement on 09.08.2019 in Mumbai. The petitioner collected Rs. 22,56,800/- from customers between March and April 2024 but failed to deposit this amount, using it for personal needs instead. It is the further case of the prosecution that the petitioner is an accused of unlawfully seizing nearly 507 vehicles from borrowers, selling them for Rs. 3,65,42,493/- and forging the company seal to issue fake No Objection Certificates. Hence the case.



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3. The learned counsel for the petitioner would contend that the petitioner was appointed as a collection agent and his duty is to recover loan from the defaulting customers and seize their vehicle in case of non-payment of loan. He further submit that the petitioner had paid a sum of Rs.22,56,880/- to the defacto complainant's customer's loan account and he never committed any offence as alleged by the respondent police and the dispute between the petitioner and the de-facto complainant is purely civil in nature and therefore there is no question of criminality committed by the petitioner. The learned counsel for the petitioner would further contend that the petitioner is an innocent and he would abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner, as a service provider for L&T Finance Limited, misappropriated Rs. 22,56,800/- collected from the customers, failed to deposit the funds and unlawfully seized and sold nearly 507 vehicles worth Rs. 3,65,42,493/- by forging company documents. Hence, he objected to grant anticipatory bail to the petitioner. The petitioner is a sole accused. The learned Government Advocate appearing for the State, fairly



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submitted that there is no previous case pending against the petitioner.

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5. The learned counsel appearing for the intervenor would submit that the petitioner along with others have created bogus No Objection Certificate for more than 500 vehicles and cheated huge amounts. Hence, prayed for dismissal of the petition.

6. Heard both sides and perused the materials available on record.

7. Considering the rival submissions on either side, considering the nature of offence involved in this case and considering the fact that there is no previous case pending against the petitioner and also taking note of the fact the petitioner is only a recovery agent, even according to the prosecution alleged offences are borne out of records, thereby no scope for tampering the evidence, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

8. 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 made ready, before the **learned Judicial**



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Magistrate III, Coimbatore 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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



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of Kerala [(2005)AIR SCW 5560].

WEB COPY [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

30.10.2024

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To

1. Thelearned Judicial Magistrate III, Coimbatore
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Race Course Police Station, Coimbatore.



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