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Crl.O.P.No.27464 of 2024

A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.346 of 2024, registered for the offences punishable under Sections 316(2), 318(4) and 61(2) of BNS, 2023, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that as per the defacto complainant had purchased a minibus bearing Registration No.TN-27-Q-6733 along with route permit from one K.M.Muthusami Gounder from Athur and thereafter, spending huge amount running the bus in the route. Thereafter the said Rajamanickam changed the name of the route alone as S.V.M., however, had not changed the name of the seller (i.e.) K.M.Muthusami Gounder in the R.C.Book and in the permit. While so, K.M.Muthusami Gounder died on 19.11.2006, the accused who were the legal heirs of K.M.Muthusami Gounder had received Rs.10,00,000/- as additional amount for transferring the permit. Thereafter, without the knowledge of the defacto complainant, the accused have transferred their permit in their name and have started using the permit for some other bus. Hence, the case.

3.Pleading innocence on the part of the petitioners, false implication in

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the case, learned counsel for the petitioners seek indulgence of this court. He would further submit that an agreement was entered between the first petitioner's husband and the defacto complainant for the purchase of the bus. However, since the defacto complainant did not comply with the terms of the agreement, the bus was handed over and the permit was in the name of the petitioner's husband and after the demise of K.M.Muthusami Gounder, the legal heirs have been running the bus. The petitioners have not committed any offence, the permit was transferred after proceedings have been issued by the Regional Transport Authority, after due verification of the documents. He would further submit that they are ready to abide by any stringent conditions that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the first petitioner's husband had sold the bus along with permit to the defacto complainant. However, without the knowledge of the defacto complainant, the petitioners have got the permit transferred in their name and without the knowledge of the defaco complainant, they ran the bus.

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5.The learned counsel appearing for the intervenor would submit that the first petitioner's husband had received Rs.12,00,000/- and handed over the bus along with the permit. However, on the belief that the permit would be later transferred to the defacto complainant and the defacto complainant was waiting for that, whereas the accused after the demise of K.M.Muthusami Gounder, permit holder and after receiving Rs.10,00,000/- as additional amount failed to transfer the permit in his name and without the knowledge of the defacto complainant, by fabrication of documents they have transferred the permit in their name. Hence, he opposed for grant of anticipatory bail to the petitioners.

6.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate – I, Attur,** on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties,

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each for a like sum to the satisfaction of the respondent police or the police officer who intend 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every day at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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