



Crl.OP.Nos.26280 and 26819 of 2023

Crl.O.P.Nos.26280 and 26819 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners/A1 and A2 have filed Crl.OP.No.26819 of 2023 and the petitioner/A4 has filed Crl.OP.No.26280 of 2023, both in Cr.No.982 of 2023 registered by the respondent police for the offences punishable under Sections 420, 408, 468 and 471 of IPC seek anticipatory bail.

2. It is stated that all these three petitioners were agents of the defacto complainant. The nature of their work was to obtain customers for purchase of two wheelers and for such purchase of two wheelers, the defacto complainant would advance loan. They are not direct employees under the defacto complainant. It is further stated that they had produced various customers for purchase of two wheelers and thereafter, the loans were not repaid and when the documents were verified, it was found that the documents which had been submitted by those who obtained the loan were forged and fake documents.



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3. It is the case of the prosecution that it is these petitioners who prepared the fake and forged documents and produced the customers. That presumption should be tested during the course of trial. The actual borrower, is the person who had taken away the motorcycle. He is responsible for the return of the amounts, since he had taken the motorcycle and used the motorcycle. It is stated that A3 had been arrested and granted bail.

4. Learned Government Advocate (Crl.Side) forwarded a statement, wherein, it is stated that A3 had introduced three separate individuals who had purchased motorcycles. A1 had also introduced similarly one person and A4 had also introduced various persons. The amounts which are due and payable are also given. But, the question is whether it is these persons who recommended the loan who had to repay or the persons who purchased the motorcycles and used the motorcycles for their benefit should repay the loan. The loan stands in their name. The motorcycles have been purchased in their name. They have not been shown as accused.



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5. Taking into consideration that those of the accused were been arrested and they were also granted bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. 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-V, Salem, Salem District** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 petitioners 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.



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[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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