



Crl.O.P.No.29289 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2) and 318(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.298 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that on believing the advertisement of the accused that they were running a transport service, the de-facto complainant had entrusted the car on rent. The accused neither paid the rent nor returned the car and thereby, cheated the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has taken the car of the de-facto complainant and handed over it to one Rakesh, whereas, the said Rakesh had not returned the car. The



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petitioner, in order to show his bonafide, is ready to deposit a sum of Rs.50,000/- to the credit of Crime No.298 of 2024. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI. Side) while opposing for grant of anticipatory bail would submit that petitioner and other accused had given advertisement in the daily Newspaper that they are running transport services and they had taken the car of the de-facto complainant agreeing to give Rs.20,000/- per month as rental charges. But the petitioner neither paid the rental amount nor returned the car. He would further submit that there is one previous case against the petitioner.

5.The learned counsel for intervenor would submit that the intervenor is a physically challenged person and the accused persons have cheated the amount.



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6.Heard the learned counsel for the petitioner, learned Government Advocate (Crl.side) for the respondent and the learned counsel for intervenor and perused the materials available on record.

7.Considering the facts and circumstances of the case and also taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to the credit of crime number, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.298 of 2024 without prejudice to his rights and contentions before the trial Court.

8.It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.



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9. Accordingly, the petitioner shall make a deposit of **Rs.50,000/- (Rupees Fifty Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of **Crime No.298 of 2024** and on such deposit and on receipt of proof of payment, 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 ***Judicial Magistrate No.II, Alandur***, on condition that the petitioner shall execute a bond 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 conditions that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 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]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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