

Crl.O.P.No.28585 of 2024**A.D.JAGADISH CHANDIRA,J.**

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The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 406 and 420 of I.P.C, in Crime No.374 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was running a company under the name and style of M/s.Kumaran S.L.Fork Lift Company, engaged in providing fork lift for rental purpose and in that connection, it is alleged that the petitioner is said to have taken fork lift from the complainant's company and failed to pay the monthly rent and also failed to return one “5 ton fork lift” machine . Hence, this case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is ready to comply with any stringent condition that may be imposed on him. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Advocate (Crl. Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioner stating that the petitioner had taken fork lift from the complainant company and



failed to pay the monthly rent and also failed to return one “5 ton fork lift” machine.

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5. Heard the learned counsel for the petitioner, the learned Advocate (Crl. Side) appearing for the respondent police and also perused the materials available on record.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Principal District Munsif cum Judicial Magistrate Court at Madhavaram**, 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, 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

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