



Crl.O.P.No.28284 of 2023

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G.CHANDRASEKHARAN, J.

This petition is filed to enlarge the petitioner on anticipatory bail in the event of their arrest in connection with Crime No.184 of 2023 pending investigation on the file of the respondent.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as accused for the offences under Section 147, 120 B, 379, 420, 294 (B) and 506 (ii) I.P.C in Cr.No.184 of 2023. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that *de-facto* complainant is the owner of the lorry bearing No.TN 28 AU 8172. For the purpose of getting repair works, the vehicle was entrusted to Manager Manikandan and driller Senthilkumar. However, both had taken the rig and threatened to kill him. The *de-facto* complainant gave a complaint to the Police on 13.12.2021. However, no action was taken. Thereafter, Alavudeen, Jahir Hussain, Ramesh and Thiyagarajan along with Manikandan and Senthilkumar, to grab money from the *de-facto* complainant, made a proposal



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to the *de-facto* complainant to pay Rs.5,00,000/-; If Rs.5,00,000/- is given, they promised that the vehicle would be returned to him. Without no option, *de-facto* complainant arranged for Rs.4,50,000/- and paid it to Alavudeen, Jahir Hussain, Manikandan and Thiyagarajan. Even thereafter, they had not made arrangements for returning the rig. When *de-facto* complainant made a phone call to them on 24.07.2022, and requested for return of the rig, they threatened to kill him. In the said circumstances, the complaint was given. The learned Government Advocate (Criminal side) further submitted that neither the rig nor the amount of Rs.4,50,000/- was recovered from the accused.

4. The Anticipatory Bail petitions filed by the co-accused A3 & A4 in Crl.O.P.No.19872 of 2023 was allowed on 20.09.2023. Though, FIR in Crime No.184 of 2023 was registered on 17.06.2023, till date, the respondent police have not shown any interest in arresting the petitioner. Co-accused had been released on bail on the ground that, there appears monetary transaction between the co-accused Alavudeen and defacto complainant Senthil Kumar.

5. Considering the long pendency of the FIR without any progress in



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arresting the accused and that, it exhibits lack of interest and lack of efforts shown by the Police in arresting the accused and recovering the rig vehicle bearing Reg.No.TN 28 AU8172 and in order to bring the investigation to a close, this Court is inclined to grant anticipatory bail to the petitioner with conditions:

6. 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 Magistrate Thiruchengode, Namakkal District** on condition that the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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:



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[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., 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 229A IPC.

22.02.2024

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