



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Nineteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.12655 of 2015

N. NARENDRAN

... PETITIONER/ACCUSED

..vs..

STATE REP. BY
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
(CR.NO.NOT KNOWN OF 2015)

... RESPONDENT/COMPLAINANT

N.KRISHNAMOORTHY

... INTERVENOR

For Petitioner : M/S.N.DILIP KUMAR Advocate

For Respondent : Govt. Advocate (Crl. Side)

For Intervenor : M/S.S.VANCHINATHAN Advocate

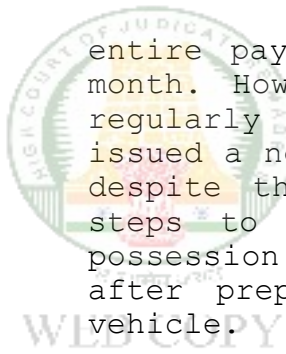
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 427 and 379 of IPC, in Crime No.596 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant that he purchased one Mahindra Bolero Pickup vehicle bearing registration No.TN-69-AU-4540 by availing financial assistance from the Tamil Nadu Mercantile Bank, Kovilpatti branch. While so, on 24.10.2014, the accused have taken the vehicle and committed theft of tool boxes, Stepny tyre, Stram, Pen drive, Jockey two sets, Thar Pai, Tape Recorder-cum-Speaker and tools box and also caused damage to the vehicle to the tune of Rs.1,20,000/-.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioner is working as Branch Manager in the Tamil Nadu Mercantile Bank, Kovilpatti branch and the de-facto complainant had borrowed Rs.5,40,000/- on 25.09.2012 to purchase a vehicle agreeing to pay the



entire payment in 16 equal instalments at the rate of Rs.12,356/- per month. However, the de-facto complainant has not paid the instalments regularly and after closing the account as 'non-performing assets', he issued a notice on 30.04.2014. The learned counsel further submitted that despite the receipt of notice, the de-facto complainant did not take steps to settle the accounts and therefore, the vehicle was taken possession by their agent, namely S.M.A.Resolution Services (P) Limited, after preparing a panchanama and list of materials available in the vehicle.

4.It is further submitted that the de-facto complainant had pledged his jewels on 19.03.2013 while borrowing Rs.50,000/- and closed his account on 17.04.2014 and insisted for return of the jewels. Since, the vehicle loan was not settled, the petitioner by exercising right of lean retained the jewels and thereafter, the de-facto complainant filed a writ petition in W.P.(MD)No.19242 of 2014 for return of the vehicle and this court has granted interim order on 27.11.2014 directing the de-facto complainant to pay Rs.2,50,000/- as pre-condition and accordingly, he deposited the amount and the vehicle was released.

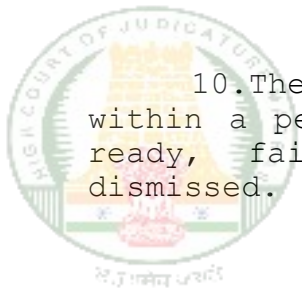
5.The learned counsel further submitted that since the Bank has refused to return the jewels, the de-facto complainant preferred a false complaint alleging that some of the spare parts in the vehicle has been stolen by the accused.

6.Mr.S.Vanchinathan, learned counsel appearing for the intervenor opposed grant of anticipatory bail to the petitioner contending that this court had directed the de-facto complainant to deposit Rs.2,50,000/- for release on his vehicle and accordingly, the amount was deposited with the Bank on 16.12.2014. However, the accused handed over the vehicle only after filing of the contempt petition on 05.03.2015 and in the meanwhile, the accused damaged the vehicle and also stolen some of the spare parts worth about Rs.1,00,000/-. It is further submitted that the de-facto complainant has no other source of income and he was depending on the income from the vehicle and due to the damage and the delay in releasing the vehicle, he has suffered a lot both mentally and financially.

7.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

8.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kovilpatti and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall deposit a sum of Rs.1,00,000/- [Rupees one Lakh only] to the credit of Crime No.596 of 2015 and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.



10. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
19/08/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.N.DILIP KUMAR Advocate SR.No.47728

ORDER
IN
CRL OP(MD) No.12655 of 2015
Date :19/08/2015

NS/MP-AM/SAR-II/01.09.2015 : 3P/7C