



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

Friday, the Ninth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.14189 of 2015

1 PONNUSAMY
2 K. PERIYASAMY

..PETITIONERS/ACCUSED
RANK NOT KNOWN
..PETITIONER/INTERVENER

PALANISAMY

Vs.

THE STATE THROUGH
THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION (CRIME)
KARUR DISTRICT.
(CRIME NOT KNOWN OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SELVANAYAGAM Advocate
For Respondent : Govt. Advocate (Crl. Side)
For Intervenor : Mr.B.Saravanan, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 120(b) and 380 of IPC, in Crime No.572 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant that he was running finance companies in the name and style of Saravana Investments and Sathana Investments and A1 is one of the partners in the said companies and A2, who is the maternal uncle of A1 was having business transaction with the finance companies and therefore, borrowed Rs.1 lakh from each companies in the month of April 2015 and without paying the principal and interest thereon, he committed theft the minutes book of the finance companies.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. It is further submitted that the de-facto complainant is running the finance companies and in the year 2008, A1 borrowed Rs.1,00,000/- from the de-facto complainant by executing promissory notes and deeds and within two months, he repaid the entire amount, but the de-facto complainant has not returned the promissory notes and deeds of A1. So, on 04.06.2015, A1 lodged a complaint against the de-facto complainant and since, there was no action taken by the respondent, he filed Crl.O.P(MD)No.11091 of 2015 seeking direction to register a case against the de-facto complainant and therefore, the present complaint is filed as a counter blast alleging theft of minutes books.



4.It is further submitted that the finance companies are run by the Government servants/teachers and to prove the same, the accused have taken away the minutes book and submitted the same before the respondent police for registering the case against the de-facto complainant's party.

5.Per contra, Mr.B.Saravanan, learned counsel for the intervenor submitted that A1 is one of the partners in the finance companies and with the help of A2, had taken away the minutes book of the finance companies without knowledge and consent of the de-facto complainant and that since, the accused have committed grave offence, they are not entitled for anticipatory bail. The learned counsel further submitted that though the accused have pleaded that they have discharged the loan amount, but they have not produced any material to substantiate the same.

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

7.The learned counsel for the petitioners has fairly conceded that for lodging a complaint against the de-facto complainant party, they have taken away the minutes book of the finance companies and submitted the same before the respondent police to register the case against the de-facto complainant. I am of the opinion that they have acted in a high-handed manner.

8.In view of the findings, this court is not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-
09/10/2015

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, CRIME KARUR
DISTRICT CRIME NOT KNOW OF 2015

2 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SELVANAYAGAM Advocate SR.No.60190
+one cc to M/s.B.Saravanan, Advocate in SR.NO.59660

ORDER
IN
CRL OP(MD) No.14189 of 2015
Date :09/10/2015