



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

Tuesday, the Eighth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.20619 of 2015

P. NANDAKUMAR

... PETITIONER/ACCUSED NO.1

Vs

STATE THROUGH
THE INSEPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI,
(CRIME NO.42/2015)

... RESPONDENT/ COMPLAINANT

S.RAVIKUMAR

... PETITIONER/INTERVENOR

FOR PETITIONER : M/S J.KARL JACOB ADVOCATE
FOR RESPONDENT : M/S.K.ANBARASAN, GOVT. ADVOCATE (CRL. SIDE)
FOR INTERVENOR : M/S.P.R.PRITHIVIRAJ, ADVOCATE

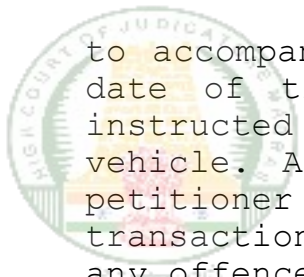
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, in Crime No.42 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC and hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are carrying on travel agency business. Due to loss, both sold the vehicles. The petitioner got job in the Rural Development Department. In the said circumstances, the petitioner purchased the vehicle in the name of the defacto complainant by obtaining loan. Without informing and without consent of the defacto complainant, the petitioner sold the vehicle to A.2-Murugesan. He did not pay the loan amount. Therefore, on the complaint given by the defacto complainant, a case has been registered for the offences under Sections 406 and 420 IPC.

3. The case of the petitioner is that both the petitioner and the defacto complainant are close friends. The defacto complainant used to borrow money from the petitioner to purchase vehicle. The defacto complainant borrowed money from the petitioner and he purchased the vehicle. The defacto complainant agreed to sell the vehicle to one Murugesan/Accused No.2 He requested the petitioner



to accompany him and to receive the money due to him. But on the date of transaction, the defacto complainant did not come, but instructed the petitioner to receive Rs.10,000/- and hand over the vehicle. As per the instructions of the defacto complainant, the petitioner received a sum of Rs.10,000/- and completed the transaction. The petitioner is innocent and he has not committed any offence as alleged by the prosecution.

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4. The learned Counsel for the intervenor submitted that the petitioner received a sum of Rupees Eleven Lakhs from the Accused No.2/Murugesan and sold the vehicle to Accused No.2. The petitioner did not repay the amount to the defacto complainant and thereby cheated the defacto complainant.

5. The learned Government Advocate (Crl.Side) submitted that the petitioner purchased the vehicle in the name of the defacto complainant by obtaining loan. Without informing and without consent of the defacto complainant, the petitioner sold the vehicle to A.2-Murugesan and he did not pay the loan amount borrowed in the name of the defacto complainant. He further submitted that the investigation is pending.

6. On a perusal of the F.I.R. and from the submissions of the learned Counsel for the intervenor and the learned Government Advocate (Crl.Side), it is seen that the vehicle is worth about Rs.Eleven Lakhs. The contentions of the petitioner that he received a sum of Rs.10,000/- and handed over the vehicle and completed the transaction are unbelievable. Under such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

08/12/2015

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

TO

1.THE INSEPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI,

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

+ 1 CC TO MR.P.R.PRITHIVIRAJ, ADVOCATE IN SR NO. 70201

ORDER

IN

CRL OP(MD) No.20619 of 2015

Date :08/12/2015