



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

Thursday, the Eleventh day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6290 of 2015

S.NABISH KHADAR IBRAHIM ... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
THILLAI NAGAR, POLICE STATION, TRICHY DISTRICT,
(CRIME NO.565 OF 2014) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.AJMALKHAN SENIOR ADVOCATE FOR
M/S.AJMAL ASSOCIATES Advocate
For Respondent : M/S.A.P.BALASUBRAMANIAN
Govt. Advocate (Crl. Side)

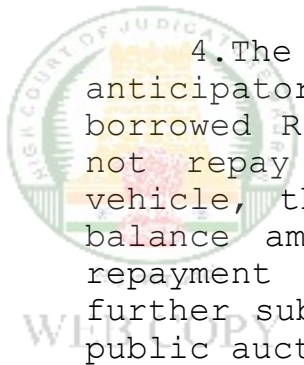
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as first accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 468, 471 & 120(B) of I.P.C in Crime No.565 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the Branch Manager of Kotak Mahindra Bank lodged a complaint, alleging that the petitioner has sold the tractor to the accused Nos.2 to 9, without registration and therefore, the Bank could not seize the vehicles.

3. The learned Senior Counsel Mr.M.Ajmal Khan, appearing for the petitioner submitted that as per Section 177 of the Motor Vehicles Act, 1988, the owner can be prosecuted for non-registration of the case and it is not an obligation to register the vehicle before delivery to the purchasers. The learned counsel further submitted that the petitioner belongs to a respectful family and he has no bad antecedents and he is ready to co-operate for investigation. It is further submitted that the ingredients for other offences have not been made out.



4.The learned Government Advocate (Crl.side) opposed the anticipatory bail petition stating that the accused Nos.2 to 9 have borrowed Rs.14,00,000/- from the defacto complainant and they did not repay the loan amount and due to non-registration of the vehicle, the Bank could not repossess the vehicle and recover the balance amount. It is further submitted that due to irregular repayment by the borrowers, this complaint has been given. He further submitted that the Bank repossessed one vehicle and sold in public auction.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. 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.IV, Trichy 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 appear before the respondent police daily at 10.00 p.m. for a period of two weeks and thereafter as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
11/06/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.IV, TRICHY
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT
3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4.THE INSPECTOR OF POLICE
THILLAI NAGAR, POLICE STATION, TRICHY DISTRICT
+One cc to M/S.AJMAL ASSOCIATES, Advocate, SR.No.30203
RL/6 C-18/6/2015

ORDER
IN
CRL OP(MD) No.6290 of 2015
Date :11/06/2015