



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

Tuesday, the Eleventh day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.6781 and 6953 of 2015

MANOKARAN

... PETITIONER/ACCUSED
in CRL OP(MD)No.6781 of 2015

B.NAGARAJ
G.KRISHNAKUMAR

..PETITIONERS/ACCUSED 1 AND 2
in CRL OP(MD)No.6953 of 2015

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
CRIME BRANCH, TRICHY.
(CRIME NO. 284 OF 2015)

... RESPONDENT/ COMPLAINANT
in Both the Petitions

V.SELVARAJ

..INTERVENOR
in Both the Petitions

For Petitioner
in CRL OP(MD)No.6781 of 2015 : M/S.A.SARAVANAN Advocate

For Petitioner
in CRL OP(MD)No.6953 of 2015 : M/S.R.M.ANBUNITHI, Advocate

For Respondent
in Both the Petitions : MRS.S.PRABHA,
Govt. Advocate (Crl. Side)

For Intervenor
In Both the Petitions : MR.V.ILLANCHEZIAN, Advocate

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 406 and 420 of IPC, in Crime No.284 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant Selvaraj, he purchased a secondhand Car through A3 for Rs.8,25,000/- and he paid Rs.1,50,000/- towards advance and thereafter, on 05.06.2013, he also paid Rs.2,00,000/- as cash and through two cheques, he paid the balance sale consideration and he applied for loan with the Kotak Mahindra Finance Private Limited for Rs.5,00,000/- and he received only Rs.2,30,000/- and the balance amount of Rs.2,70,000/- was misappropriated by the petitioners/A1to A3.



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. The learned counsel further submitted that petitioners 1 and 2/A1 and A2 are employees of Kotak Mahindra Prime Limited, Trichy and the 3rd petitioner/A3 is the secondhand Car sales dealer and the de-facto complainant used to purchase the vehicle through the 3rd petitioner/A3. The learned counsel further submitted that on 04.06.2013, the de-facto complainant purchased a second hand Innova car for Rs.8,25,000/- and paid Rs.1,00,000/- towards advance and also entered into an agreement with the 2nd petitioner/A2 and the 3rd petitioner/A3 has arranged loan to the tune of Rs.5,00,000/- with the Kodak Mahindra Finance Limited and the de-facto complainant has agreed to pay the principal amount with interest in instalment at Rs.18,300/- per month, however, subsequently, the de-facto complainant failed to pay the instalments and therefore, the financier has initiated arbitration proceedings in the year 2015 and thereafter, this complaint was filed. It is further submitted that as per the request of the de-facto complainant, the bank has paid the amount to the dealer and for non-payment on the instalment, they have initiated arbitration proceedings to recover the balance amount.

4.Mr.V.Illanchezian, learned counsel appearing for the intervenor vehemently opposed the petitions contending that the de-facto complainant has paid the entire sale consideration through cash and by way of two cheques of Rs.2,50,000/-, dated 05.06.2013 and Rs.2,25,000/-, dated 04.06.2013 respectively and the sanctioned loan amount is Rs.5,00,000/-, but Rs.2,30,000/- only credited in his account and the balance amount was misappropriated by the accused.

5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the petitioners have no bad antecedent.

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

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Trichy and on each of them 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 petitioners shall appear before the respondent police daily at 06.00 p.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 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/-

11/08/2015



TO

1 THE JUDICIAL MAGISTRATE NO.II
TRICHY.

WEB COPY

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TRICHY.

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

4 THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
CRIME BRANCH, TRICHY.

+1. CC to M/S.A.SARAVANAN, Advocate SR.No.45846
+1. CC to M/S.N.SATHEESH KUMAR, Advocate SR.No.46013
+2. CC to M/S.V.ILLANCHEZIAN, Advocate Sr.Nos.45902 and 45903

akm/18.08.2015 /3p-9c/

ORDER

IN

CRL OP(MD) Nos.6781 and 6953 of 2015

Date :11/08/2015