



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Seventh day of May Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.8964 of 2015

CHINNADURAI

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.105/15)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.DURAI RAJ Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 424 IPC in Crime No.105 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. The case of the prosecution is that the Lorry bearing Reg.No.TN21-S-6868, belonged to the defacto complainant, who had leased the Lorry to the petitioner herein on 02.02.2015. After taking the Lorry on lease, the petitioner has given the said Lorry to the second accused in this case, who had dismantled the Lorry and sold it as a scrap. When the defacto complainant came to know about it, he lodged the present complaint, pursuant to which, investigation has been taken up by the Police.

4. Learned counsel for the petitioner submitted that the petitioner had taken the Lorry from the defacto complainant and had parked it at a place in Trichy and without the knowledge of the petitioner, one Murugan had taken away the Lorry and had sold it to someone else.

5. I am unable to persuade myself to countenance this submission, because the Lorry is not a small article to be pocketed easily by anyone. The fact remains that the Lorry has been dismantled by the second accused and the defacto complainant in his complaint has stated that he had even taken a photograph of his lorry, when it was found in the premises of the second accused. Thus, it is obvious that this petitioner and the second accused have taken away the lorry of the defacto complainant and have not returned it to him.

6. Learned counsel for the petitioner submitted that the lorry was returned to the defacto complainant. This was controverted by the learned Government Advocate (Crl.Side) by submitting that the lorry was taken away by the second accused and therefore, there was no question of the Police returning the lorry in "as is where is condition" to the defacto complainant.



6. In view of the serious nature of allegation against this petitioner, this Court is of the view that this is not a fit case to grant him anticipatory bail. Hence, the Criminal Original Petition is dismissed.

WEB COPY

/ TRUE COPY /

sd/-
07/05/2015

Sub-Assistant Registrar (C.S.)

TO

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

2 THE INSPECTOR OF POLICE, THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S.S.R.DURAI RAJ Advocate SR.No.25179
ORDER IN
CRL OP(MD) No.8964 of 2015
Date :07/05/2015

PBK 11/05/2015 ::1P-4C: