



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

Thursday, the Twenty Second day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.94 of 2015

RAMANI

... PETITIONER/ACCUSED NO.4

Vs

THE STATE REP BY

THE SUB INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.

CRIME NO. 63/2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.K.BAALASUNDHARAM Advocate

For Respondent : Govt. 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, 465, 468, 471, 294(b) and 506(ii) IPC in Crime No.63 of 2014 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 Inspector of Police has filed a Status Report, wherein in Paragraph No.3, he has stated as follows:

"3....The contents of the complaint in nutshell are that the defacto complainant Prabhu is engaged lorry transport business and that the 2nd and 3rd accused approached him during the month of February, 2014 and told that Ashok Leyland Tipper Lorry bearing Regn. No.TN 69 AD 4428 was purchased by the accused No.1 by getting loan from Equitas Finance (P) Limited and that a sum of Rs.9,44,591/- is due to be paid to the said Finance Company and they have proposed to sell the said vehicle for a sum of Rs.1,00,000/- in addition to pending due amount of Rs.9,44,591/- payable to the said Financial Company. A sale agreement to that effect was entered into and deed was attested by the Accused No.3 and on the basis of the said



agreement, with a promise to hand over the RC book, TO form, Insurance Policy Premium as and when the balance is paid to the said Finance Company together with the remaining amount of Rs.25,400/-. On entering into an agreement to sell, the lorry was handed over to the defacto complainant by the accused. Basing on the said promise, the defacto complainant paid the balance due to the said Equitas Finance Company, Salem amounting to Rs.9,44,600/- on 25.02.2014. But the accused Nos.1 to 4 have not handed over the RC Book and other documents relating to the vehicle, inspite of his request. In the meanwhile the accused No.1 to 4 by joining hands with other persons with an intention to defraud the defacto complainant transferred the vehicle to Accused No.4, the petitioner herein."

The Police have arrested Jeba Shiela (A1) and Velraj (A2) on 23.12.2014.

4. Learned counsel for the petitioner brought to my notice Paragraph No.5 of the Status Report filed by the Police and submitted that even according to the Police, they have obtained copies of Form No.30 from the Regional Transport Office, Chennai and therefore, custodial interrogation of this petitioner is not necessary.

5. I am unable to agree with this contention, because though the vehicle is with the defacto complainant, original records of the vehicle are with this petitioner and he is using the same for plying a different vehicle. In Paragraph No.6 of the Status Report, the respondent Police have stated as follows:

"6. It is respectfully submitted that the accused No.4, the Petitioner herein has also obtained a Goods carriage permit issued by the Secretary, RTA, Chennai Central vide Rc.No.D1/48055/2014 dated 19.07.2014 by utilizing the transfer order given by the Regional Transport Office, Chennai Central by using the Registration number of the vehicle viz. TN 69AD 4428. The above said records along with the lorry bearing the same Regn. No.TN 69AD 4428 were seized from the Lorry Office run by the 4th respondent by the Investigating Officer under a cover of atkshi mahajar in the presence of witnesses on 30.12.2014 and 07.01.2015 respectively. Five more witnesses were examined and their statements recorded under Section 161(3) of the Code of Criminal Procedure Code, 1973. Hence a prima facie case of cognizable offence has been clearly made out against the Accused No.4 for utilizing the RC Book and other details pertaining to the Lorry now available with the defacto complainant by using a different Tipper Lorry. The Regional Transport Authority, Thoothukudi was requested to submit the original documents relating to the vehicle TN 69 AD 4428 to enable the respondent Police to forward the same to the Forensic Laboratory, Chennai for getting the analysis report."



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

sd/-
22/01/2015

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

TO

1. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

2. THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.

+1. CC to M/S.K.BAALASUNDHARAM Advocate SR.No.3424

RL/4 C- 28/1/2015

ORDER
IN
CRL OP (MD) No.94 of 2015
Date : 22/01/2015