



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

Thursday, the Twenty First day of September Two Thousand Seventeen

PRESENT

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The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12305 of 2017

NAGOOR MEERAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY,
CRIME NO.649 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SIVASUBRAMANIAN Advocate

For Respondent : Mr.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR.

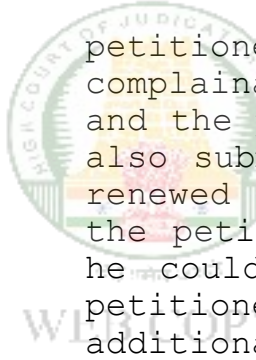
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 420, 506(i) of IPC in Crime No.649 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant purchased a tanker lorry bearing registration no.TN 99A 9387 by obtaining loan from Sathya Finance. Thereafter, the de facto complainant leased out the said lorry to Indian Oil Corporation under the management of the petitioner. The de facto complainant asked the petitioner to remit the loan instalments for the lorry. However, he did not pay the loan amount and when the same was questioned, a dispute arose between them. Due to the same, the petitioner abused the de facto complainant and threatened with dire consequences and refused to pay the installments to the finance company.

<https://hcservices.ecourts.gov.in/hcservices/>
3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that out of the funds of the



petitioner, the said lorry was purchased in the name of the de facto complainant and there was an oral agreement between the petitioner and the petitioner is one of the guarantor of the vehicle loan. He also submitted that the de facto complainant has not renewed the contract entered with Indian Oil Corporation Company, the petitioner could not operate the said lorry and in the result, he could not pay the installments. He also submitted that the petitioner invested Rs.11,55,000/- for purchasing the lorry and additionally spent a sum of Rs.2,55,000/- for converting the lorry with tanker body and totally the petitioner has invested Rs.14,15,000/- towards the lorry. He further submitted that the entire hire purchase amount through Sakthi Finance Company was disbursed to de facto complainant. He also submitted that the entire prosecution between the petitioner and the de facto complainant is purely civil in nature and by way of giving complaint, the de facto complainant coloured the civil case as a criminal dispute.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that petitioner is the sole accused in this case and the investigation is still pending. He also submitted that since the respondent Police did not register the case against the petitioner, he filed private complaint before the Judicial Magistrate under Section 156(3) Cr.P.C. and as per the direction of the court below, the present case is registered. It is further submitted that the lorry was handed over to the petitioner and he has not returned the said lorry and also did not pay the instalments to the concerned finance company as promised.

5.Considering the facts and circumstances of the case and also taking note of the fact that dispute between the de facto complainant and the petitioner herein is civil in nature, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Tirunelveli on condition that the petitioner shall execute 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioner shall not abscond either during investigation or trial.

[d]On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action



against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala (2005 AIR SCW 5560)***.

sd/-
21/09/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
 - 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.SIVASUBRAMANIAN Advocate SR.No.31286

ORDER
IN
CRL OP(MD) No.12305 of 2017
Date :21/09/2017

MV:CM-MSA:SAR3:26/09/2017/2P/6C