



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

Monday, the Twenty Third day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2723 and 2743 of 2017

D.VEL VASAGAN,

... PETITIONER / ACCUSED NO.2
IN CRL OP(MD)No.2723 of 2017

1 SURESH KUMAR

2 PALANI KUMAR

3 MANIKANDAN

4 KALIMUTHU

... PETITIONERS / ACCUSED NO.1,3,5 AND 6
IN CRL OP(MD)No.2743 of 2017

Vs

THE STATE OF TAMILNADU, REP BY
ITS INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION,
MADURAI, MADURAI DISTRICT,
CRIME NO.363 OF 2017.

... RESPONDENT / COMPLAINANT
IN CRL OP(MD)No.2723 of 2017

CRIME NO.263 OF 2017.

... RESPONDENT / COMPLAINANT
IN CRL OP(MD)No.2743 of 2017

For Petitioner : M/S.G.RADHAKRISHNAN Advocate
IN CRL OP(MD)No.2723 of 2017

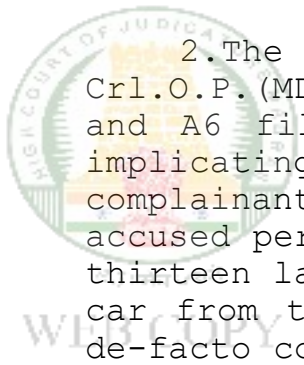
For Petitioner : M/S.A.MU.SHARAVANAN Advocate
IN CRL OP(MD)No.2743 of 2017

For Respondent : Mr.K.ANBARASAN Government Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners/accused Nos.2, 1, 3, 5 & 6 respectively, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 r/w 420, 406 and 506(1) IPC and 379, 406, 420 and 506(i) IPC, in Crime No.363 & 263 of 2017 respectively, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioner / A2 filed Crl.O.P.(MD)No.2723 of 2017 and other accused persons / A1, A3, A5 and A6 filed Crl.O.P.(MD)No.2743 of 2017. The petitioners were implicating in the above said criminal cases. The de-facto complainant, namely, Sonaimuthu purchased a Audi Car from the accused persons for the sale consideration of Rs.13,00,000/- (Rupees thirteen lakhs only). Thereafter, these petitioners stolen the said car from the residence of the de-facto complainant. Thereby, the de-facto complainant approached the petitioners for repayment of the amount. Accordingly, these accused persons repaid a sum of Rs.5,50,000/- (Rupees five lakhs fifty thousand only) and the remaining amount was not repaid to the de-facto complainant. Aggrieved over the same, the de-facto complainant lodged a complaint before the respondent police for the above said offences.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. In fact, 15 % of sale consideration was repaid to the de-facto complainant.

4.The learned Government Advocate (Crl.side) appearing for the state would submit that the property stands in the name of one Deepa, who is a resident of Mugaper, Chennai. At the time of registration, she had given two address one is Pudhuchery and another one is Tamil Nadu for the purpose of evading tax. However, till date, the real owner did not claim crime property. It raise some suspicious doubt against the petitioners and investigation is still pending and we are not able to find the original owner of the property and the transaction in between the de-facto complainant and the petitioners are under investigation. Therefore, the learned Government Advocate (Crl.Side) appearing on behalf of the state objected for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, since the real owner of the property is not traceable, in the absence of real owner, the transaction in between the de-facto complainant and the petitioners itself is questionable. In view of the above, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, these Anticipatory bail petitions are dismissed.

sd/-
23/10/2017

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
KANNIYAPURAM POLICE STATION,
MADURAI, MADURAI DISTRICT.



2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL OP (MD) No.2723 and 2743 of 2017

Date :23/10/2017

MV:RR-BS:SAR2:30/10/2017/3P/3C