



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

Thursday, the First day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos.469 & 470 of 2018

JAYARAMAN

... PETITIONER/ACCUSED No.3 in
CRL OP(MD) No.469 of 2018

SHIJAY

... PETITIONER/ACCUSED No.3 in
CRL OP(MD) No.470 of 2018

Vs

STATE REP BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TRICHY DISTRICT.
(CRIME NO.65/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.K.MANI Advocate in both the petitions

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)
in both the petitions

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

ORDER : The Court Made the following order :-

Common Order

The petitioner in Crl.O.P.(MD)No.469 of 2018, who is arrayed as Accused No.3 and the petitioner in Crl.O.P.(MD)No.470 of 2018, who is arrayed as Accused No.2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 120(b), 465, 468, 471 and 420 IPC, in Crime No.65 of 2017 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioner in Crl.O.P.(MD)No.469 of 2018 viz., Jayaraman/A3 and his son viz., Shijay/A2, who is the petitioner in Crl.O.P.(MD)No.470 of 2018, along with the other son of A3 by name Vijay/A4, had hatched a conspiracy with one Nandhakumar/A1, S/o.Gothandapani of Thathaiyangar Pettai, to get money by way of loan for purchasing a car. Therefore, the said Nandhakumar had applied for a vehicle loan with HDFC Bank, Thillai Nagar, Trichy and the said Bank had



sanctioned the loan after receiving a Proforma Invoice, which was sent through E-mail by Shijay [petitioner in CrI.O.P.(MD)No.470 of 2018] in his capacity as Managing Director of a Private Limited Company, viz., Sapthagiri Motors (OPC) Private Limited and on 29.04.2016, the HDFC Bank sanctioned a sum of Rs.22,82,332/- and after deducting loan processing and insurance charges, disbursed a sum of Rs.21,98,392/- and thereafter, the said Nandakumar had committed default in re-paying the loan amount. It is alleged that the petitioners neither made hypothecation endorsement in the Registration Certificate nor submitted a copy of the same to the Bank. Hence, the present complaint.

3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Criminal side) that the petitioner in CrI.O.P.(MD)No.469 of 2018 viz., Jayaraman/A3 and his son viz., Shijay/A2, who is the petitioner in CrI.O.P.(MD)No.470 of 2018, along with the other son of A3 by name Vijay/A4, had hatched a conspiracy with one Nandhakumar/A1, to get money by way of loan for purchasing a car and obtained a loan of Rs.21,98,332/- from HDFC Bank, Thillai Nagar, Trichy and had committed default in re-paying the loan amount and committed the offence. He further submitted that the investigation is in progress and therefore, he prayed for dismissal of the Criminal Original Petitions.

5.The submissions made by the learned counsel on either side are considered. According to the de-facto complainant, one Jayaraman the petitioner in CrI.O.P.(MD)No.469 of 2018 and Shijay, the petitioner in CrI.O.P.(MD)No.470 of 2018 are the owners of Sapthagiri Motors. It is admitted by the learned counsel on either side that the loan amount of Rs.21,98,392/-, which had been sanctioned by the HDFC Bank was credited into the bank account of Sapthagiri Motors, viz., Karur Vysa Bank, Trichy Cantonment Branch. Thereafter, for non-payment of the loan availed by Nandhakumar, O.A.No.240 of 2017 was filed before the Debts Recovery Tribunal, Chennai, and as per the order passed by the Tribunal, when at the time of trying to recover the vehicle, it was identified that the car, which was pertaining to the loan sanctioned by the de-facto complainant, is not in the hands of the said Nandhakumar. Further, as per the statement given by the Financier, Namakkal, the said car was pledged by Jayaraman and subsequently, the same was returned. In the same way, the de-facto complainant identified one another person S.A.Mohideen also availed loan for the purpose of purchasing of car is in the custody of the petitioners. Further, there is no necessity to change the Engine Number and the Chassis Number before re-paying of the entire loan amount. So, the entire allegations levelled against the petitioners create a *prima facie* case against them. Hence, a detailed enquiry is necessary for completing the



investigation in this case. If anticipatory bail is granted to the petitioners, there is every possibility of the petitioners tampering the witnesses/evidence and hampering the investigation. Hence, these Criminal Original Petitions are not having any merit and same are liable to be dismissed.

Accordingly, these Criminal Original Petitions are dismissed.

sd/-
01/02/2018

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

TO

- 1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.K.MANI Advocate SR.No.1744

ORDER
IN
CRL OP (MD) Nos.469
& 470 of 2018
Date :01/02/2018

SMA/RR/SAR-3/05.02.2018:3P/4c