



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Eighth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19412 of 2018

1 B.SIVAKUMAR
2 V.VIJAYABASKAR
3 K.VETHANAYAGAN
4 B.JEYABHARATHI

... PETITIONERS / ACCUSED 1 TO 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUCHIRAPPALLI CITY.
(CRIME NO.34/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.JEYAKUMAR, Advocate
for MR.M.SIDDHARTHAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners / A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120-B, 403, 406, 420 and 425 of IPC., in Crime No.34 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners applied loan to Shriram Transport Finance Company Ltd., for purchasing 6 lorry chassis from the dealer viz., V.S.T.Motors. After purchasing the lorry chassis, the petitioners have not made body-building and failed to make endorsement for hypothecation from the RTO, thereby cheated the said Finance Company.



3. The learned counsel appearing for the petitioners would submit that except the 3rd petitioner, all other petitioners have taken hypothecation loan from the defacto complainant viz., Sriram Transport Finance Company Limited and the loan amount had been paid to VST Motors, the dealer of the lorry chassis. The 3rd petitioner is the guarantor of other petitioners. Thereafter, the chassis have been entrusted to the body builders for construction of its body. In the meanwhile, the petitioners 1, 2 and 4 have been making payments for 3 instalments. Due to business exigency, they were unable to continue to make payments and the body building could not be completed and it got delayed. The defacto complainant, for non-payment of EMI amount and for not executing the requisite Forms before the RTO office for Hypothecation of the vehicle, had preferred the complaint under Section 156(3) Cr.P.C., before the learned Judicial Magistrate No.1, Trichy, who has forwarded the same to the respondent Police, who has registered the above said crime number.

4. The learned Government Advocate (crl.side) appearing for the respondents, on instructions, would submit that the petitioners herein have failed to execute the necessary documents, as per the agreement, despite the receipt of the loan amount. It is also submitted that all the six vehicles have been taken possession by the defacto complainant, as Transport Finance Company.

5. Considering the above facts and circumstances of the case and also considering the fact that the transport company secured of its vehicles, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.1, Tiruchirappalli, on condition that each petitioners 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 learned Magistrate concerned and on further condition that;

[a] the petitioners shall report before the respondent Police, as and when required.

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

[c] the petitioners 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 petitioners 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 [(AIR 2006 SC 100).



[e]. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

WEB COPY

sd/-
08/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
TRICHY.
 - 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TRICHY.
 - 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TIRUCHIRAPPALLI CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.SIDDHARTHAN Advocate SR.No. 21380

ORDER
IN
CRL OP(MD) No.19412 of 2018
Date :08/11/2018

JM/RR/SAR 2/14.11.2018/3P/6C