



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

Friday, the Eleventh day of January Two Thousand Nineteen

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PRESENT

THE HON`BLE MR.JUSTICE M.NIRMAL KUMAR

CRL OP(MD) No.17946 of 2018

SELVAM

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, PUDUKKOTTAI ... 1ST RESPONDENT/COMPLAINANT
(CRIME NO.16/2018)

2 SUBRAMANIAN

... RESPONDENT /
DEFACTO COMPLAINANT

For Petitioner : M/S.K.GOKUL Advocate

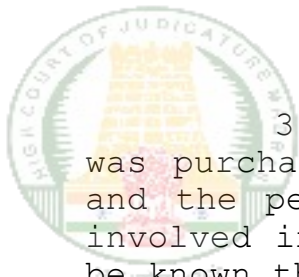
For Respondent : K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 I.P.C, in Crime No.16 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is said to have sold a bore-well lorry in the year 2014 to the defacto complainant, registered in the State of Andhra Pradesh for Rs.8,00,000/-. Thereafter, since the lorry was registered in the other State, for deed registration purpose, No Objection Certificate was required. When the same was asked by the defacto complainant, the petitioner represented that the original owner of the lorry was one Paranthaman of Andhra Pradesh and he has to get No Objection Certificate from him. Despite several reminders, the petitioner was giving one reason after another. But No Objection Certificate was not obtained. Hence, the defacto complainant preferred a complaint to the police. The Police on enquiry found that there is no such person in the name of Paranthaman and the ownership of the lorry is doubtful.



3.The contention of the petitioner is that the said lorry was purchased in auction in Andhra Pradesh by the said Paranthaman and the petitioner had acted only as a mediator and he is no way involved in the sale and on verification of the documents, it could be known that the petitioner had no role except being a mediator.

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4.The learned counsel appearing for the defacto complainant submits that the defacto complainant had lost Rs.8,00,000/- and his hard-earned money and lorry are under the custody of the petitioner. Initially, a complaint was given to the Deputy Superintendent of Police, concerned, wherein, the petitioner had given an undertaking that he will settle the entire amount and take the lorry. Now, neither he returned the the money nor returned the lorry.

5.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the petitioner appeared before the Deputy Superintendent of Police and given an undertaking that he will take care the lorry and return the amount of Rs.8,00,000/-. But till date, despite taking the lorry from the defacto complainant, money has not been returned.

6.Considering the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this petition is dismissed.

sd/-
11/01/2019

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

TO

1 THE DEPUTY SUPERINTENDENT OF POLICE, PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, PUDUKKOTTAI

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17946 of 2018
Date :11/01/2019