

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.NO.7418 of 2020

H.Hakkim

..... Petitioner/Accused No.3

Vs.

The State by Inspector of Police,
Rathinapuri Police Station,
Coimbatore District,
Crime No.1199 of 2019.

..... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 1199 of 2019, on the file of Inspector of Police, Rathinapuri Police Station, Coimbatore.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.Shanmuga Rajendran,
Public Prosecutor.

ORDER

Apprehending arrest for the offences punishable under sections 406, 414, 420 and 120-B IPC in Crime No. 1199 of 2019, on the file of the respondent police, the petitioner has come forward with the petition seeking for Anticipatory Bail.

2. This is the second Anticipatory Bail petition preferred by the petitioner and the first petition preferred by him in CrI.OP.No.1383 of 2020 had come to be dismissed by this Court on 29.01.2020.

3. Shorn of unnecessary details, according to the prosecution, the first accused involved in the offences, cheated and dishonestly induced the complainant to deliver her two cars to him on hire and promised to pay the daily rent and thereafter, with the help of the other accused indulged in the act of pledging/ disposing of the vehicles entrusted to him by the complainant and thus, it is put forth that the petitioner and the other accused had committed the offences qua the disposal and concealment of the vehicles belonging to the complainant and thereby, the petitioner and the other accused had committed the offences leveled against them.

4. According to the petitioner, the case had been falsely foisted against him and it is further stated that the petitioner is ready to hand over the vehicle and cooperate with the investigation and therefore prayed for his enlargement on bail. It is further stated that his staff namely, one Manikandaprabhu who had been arrested in connection with the occurrence had been enlarged on bail by the Sessions Court and this would amount to change of circumstances to file this petition and therefore, prays for his enlargement on bail in the event of arrest.

5. Mr. Shanmuga Rajendran, learned Public Prosecutor would contend that the offences leveled against the petitioner and others are serious in nature and the investigation is still pending and the vehicles in the occurrence have to be recovered, therefore, according to him, at this stage of the matter, if the petitioner is granted anticipatory bail, it would hinder the process of fair and proper investigation and therefore, prayed for the dismissal of the petition. Further, it is put forth by the learned Public Prosecutor that while conducting the search at the office of the petitioner, various incriminating documents and materials had been recovered and the investigation had been directed with reference to the same and therefore,

contended that if the petitioner is granted the relief prayed for, the same would affect the further progress in the investigation.

6. Considering the serious nature and gravity of the offences leveled against the petitioner and others, the stage of the investigation being at the nascent level, the necessity of the respondent police to interrogate the petitioner qua the seized incriminating documents and materials and the recovery of the vehicles involved in the occurrence and further as some of the other accused being still at large, in my considered opinion, at this stage of the matter, if the petitioner is granted Anticipatory Bail, it would hinder the process of fair and proper investigation and also there is likelihood of the petitioner causing unnecessary obstacles and fleeing from justice and therefore, for the abovesaid factors, I am not inclined to grant the relief sought for by the petitioner.

7. In the result, the criminal original petition is dismissed.

04.05.2020

Index : Yes/No

Internet : Yes/No

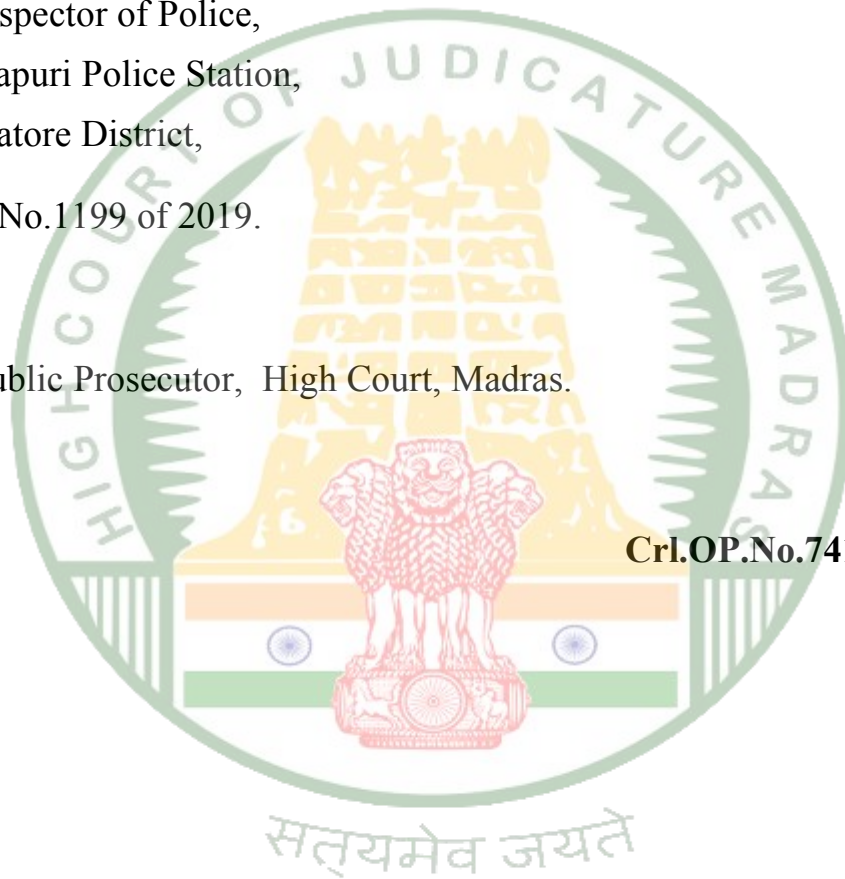
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To:

1. The Inspector of Police,
Rathinapuri Police Station,
Coimbatore District,
Crime No.1199 of 2019.

2. The Public Prosecutor, High Court, Madras.



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