

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.Nos.13090 of 2020

and

CrI.M.P.No.5242 of 2020

S.P.Surya Prabhu

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police (Crime),  
R-6 Kumaran Nagar Police Station,  
Kumaran Nagar, Chennai.  
(Crime No.1230 of 2020) ... Respondent

COMMON PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail, in the event of their arrest in connection with the case in Crime No.1230 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.S.M.Selvadurai

For Respondent : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

For Intervenor : Mr.R.Mubarak Basha

O R D E R

(These cases have been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.1230 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Anandhakumar is that the accused had engaged in the business of buying and selling cars. While so, the petitioner approached the defacto complainant and induced him to attach his cars so that he would be paid monthly rents. Based on the assurance given by the petitioner, the defacto complainant and 12 others had attached their cars and thereafter, the petitioner had given rents only for five months and thereafter, he did not pay the rents and also did not return the cars and later it was found that the petitioner had mortgaged the cars to the third parties and obtained amounts and the cars are still missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the case was breach of contract has been falsely projected as the case of cheating. The petitioner was paying rents for five months and due to economic condition, he was unable to pay the rents and the cars are now available with the customers. Hence, he seeks to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner right from the beginning with an intention to cheat the defacto complainant had induced the defacto complainant under the guise of getting the cars on contract for rent and he conveniently paid rents for five months. He would further submit the whereabouts of the cars is not known till date.

5.The learned counsel for the intervenor would vehemently oppose by stating that the petitioner was running a travel agency in the name of Saranya Travels and the petitioner along with other accused, had induced the defacto complainant to attach his car with the travel agency. Believing the assurance given by the accused, the defacto complainant has attached his cars. He would further submit that the petitioner conveniently had given rents for five months and thereafter cheated the defacto complainant and the car of the defacto complainant is found missing. He further submitted that the petitioner conveniently let out one of the cars for lease and one of the cars has met with an accident and one of the cars was involved in the criminal activities in Thiruchendur and the same was seized by the Thiruchendur Police Station. Hence, he opposed to grant anticipatory bail to the petitioner.

6.Taking into consideration the facts and submissions made by the learned counsels and that the whereabouts of the cars are not known till date, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petition is also closed.

-sd/-

03/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 XXIII METROPOLITAN MAGISTRATE,  
SAIDAPET, CHENNAI

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

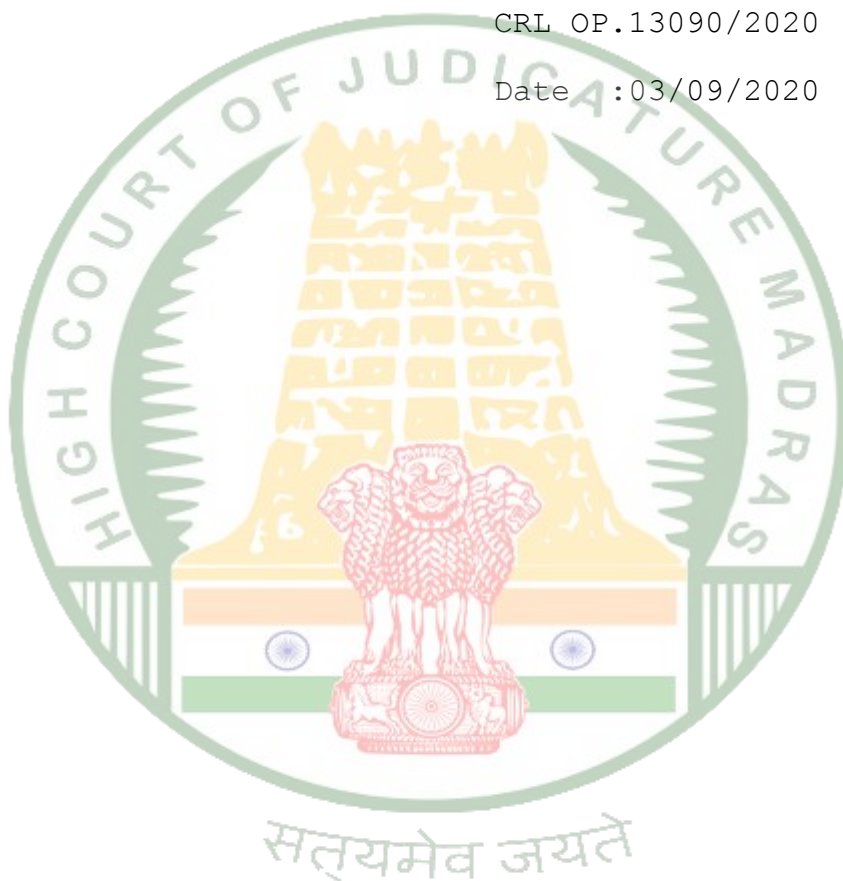
3 THE INSPECTOR OF POLICE (CRIME),  
R-6 KUMARAN NAGAR POLICE STATION,  
KUMARAN NAGAR, CHENNAI

CC to M/S.M.SELVADURAI Advocate on payment of necessary charges

CRL OP.13090/2020

Date :03/09/2020

RVR 24/09/2020



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