

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2020

CORAM :

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

Cr1.O.P.No.13097 of 2020

and

Cr1.M.P.No.5241 of 2020

1.A.Manibharathi
2.R.A.Karuppasamy

...Petitioners

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 Petitioners : 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 petitioners, 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 is that the petitioners along with one Surya Prabhu / Accused in Cr1.O.P.No.13090 of 2020 had induced the defacto complainant to attach his car to the travel agency namely Saranya Travel, Jaffer Khanpet, run by the said Surya Prabhu, so that he can earn some rents for the cars attached. Believing the words of the petitioners, the defacto complainant and 12 others had attached their cars to the Travel agency and the defacto complainant received rents only for the five months and later the rent was not paid and his cars were found missing. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are only mediators who have indulged in buying and selling and also arranging finance for the cars. He would further submit that one Suriya Prabhu of Jaffarkhanpet / the petitioner in Crl.O.P.N13090 of 2020 was having transaction with the 1st petitioner herein who is also dealing with the same business of buying, selling and arranging finance to the cars. While so, the said Suriya Prabhu had approached the petitioners herein for loan and these petitioners believing the documents viz. R.C.Book, Transfer form had arranged for the loan and the petitioners were not aware of the criminal intention of the said Surya Prabhu. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would vehemently oppose stating that the petitioners right from the beginning connived with each other and 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 conveniently paid rents for five months and thereafter, cheated him. He would further submit the whereabouts of the cars are not known till date.

5.The learned counsel for the intervenor would vehemently oppose by stating that the accused had induced the defacto complainant to attach his car with their travel agency. Believing the assurance given by the accused, the defacto complainant had attached his cars. He would further submit that the accused conveniently had given rents for five months and thereafter cheated the defacto complainant and the cars of the defacto complainant is found missing. He further submitted that the accused 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 petitioners.

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 petitioners. Hence, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is 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 THE XXIII METROPOLITAN
MAGISTRATE, SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

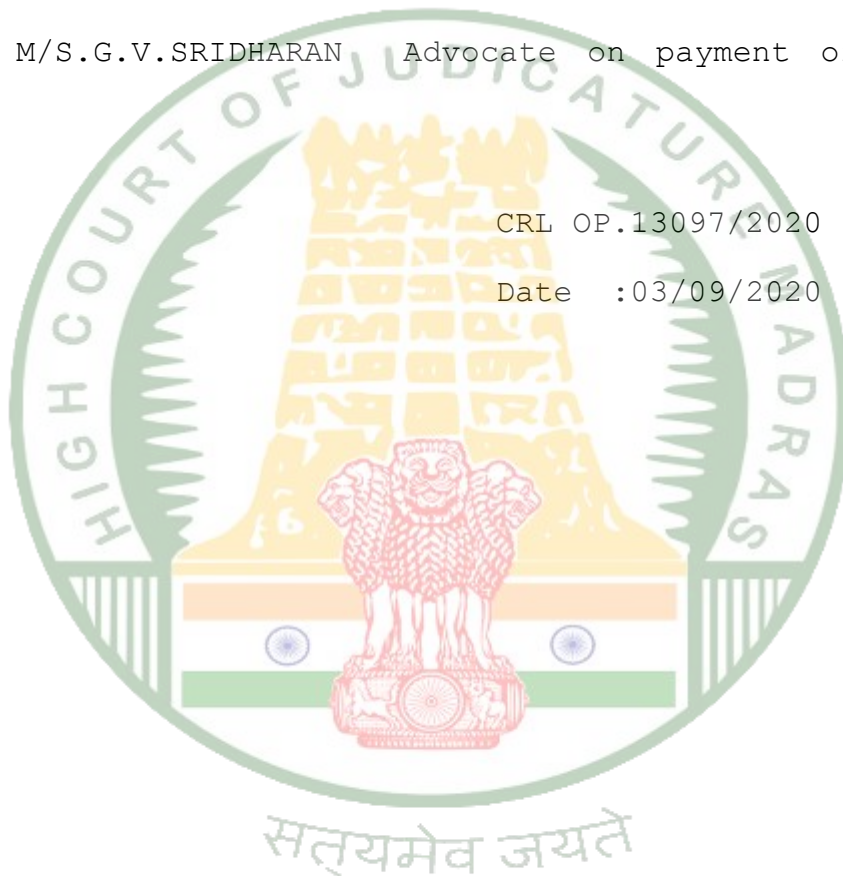
3 THE INSPECTOR OF POLICE
(CRIME), R-6 KUMARAN NAGAR POLICE STATION,
KUMRAN NAGAR, CHENNAI.

CC to M/S.G.V.SRIDHARAN Advocate on payment of necessary
charges

CRL OP.13097/2020

Date :03/09/2020

RVR 24/09/2020



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