



WEB COPY

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

Reserved on	07.09.2020
Delivered on	10.09.2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9172 of 2020

Narayanan

... Petitioner/Accused No.3

Vs

State represented by,
The Inspector of Police,
CBCID, Nagercoil,
Kanniyakumari District.
(Crime No. 4 of 2020).

... Respondent/Complainant

For Petitioner : M/s.C.Prabakaran,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

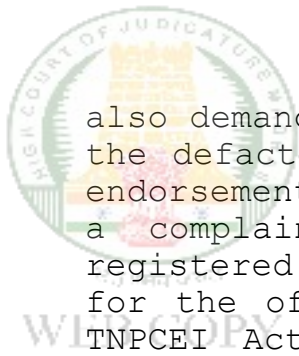
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For a Bail in Crime No.4 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner is arrayed as A-3 and he was arrested and remanded to Judicial Custody on 25.07.2020 for the offences punishable under sections 420, 406, 465, 467, 471, 384, 506(I), 120B, 109 r/w 34 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.4 of 2020 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that the petitioner/A-3 is a broker of Regional Transport Office. The allegation against the petitioner is that, the defacto complainant has borrowed money for a sum of Rs.2 Lakhs as loan from A-1 and mortgaged his Harley Davidson Street 750 model bike bearing registration No.TN-74-AW-0009 and also gave blank cheque for security purpose. On 22.08.2018, the defacto complainant has paid entire capital amount along with interest, however, the petitioner has refused to return his bike and blank cheque and



also demanded more interest. Thereafter, by forging the signature of the defacto complainant this petitioner cancelled the hypothecation endorsement and transferred the RC book in favour of A-1. Based on a complaint preferred by the defacto complainant a case was registered by the Vadasery Police Station in Crime No.316 of 2020 for the offences under Section 420 & 406 of IPC and Section 4 of TNPCEI Act, 2003. Subsequently, the case was transferred to the respondent police and new Crime No.4 of 2020 was assigned. On investigation, the respondent police has found that the accused Nos.1 & 2 have approached the petitioner/A-3 for transferring the RC book of the bike in favour of A-1 in the Regional Transport Office. A-1 & A-2 have forged the signature of the defacto complainant and filed a petition along with a fake Registration Certificate for cancellation of hypothecation with the help of this petitioner/A-3. The petitioner/A-3 said to have created a forged authentication letter and forged the signature of the defacto complainant and received a Smart Registration Certificate, after cancelling hypothecation. Hence, he seeks bail.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.

4. The learned counsel appearing for the petitioner would submit that only the allegation against the petitioner is that he is being a mediator for change of name in the registration certificate of the bike owned by the defacto complainant alone and there is no other specific overtact against the petitioner and the act and intention of the A-1 & A-2 are not known to the petitioner. He would further submit that he was doing mediation work in the Regional Transport Office and he is a breadwinner of his family consisting of two daughters and wife. He would also submit that the respondent police has completed investigation and filed final report before the learned Judicial Magistrate No.I, Nagercoil and the same has been taken cognizance in C.C. No.316 of 2020. He would further submit that he has no bad antecedents and hence, he seeks bail.

5.The learned Government Advocate (criminal side) appearing for the respondent police has filed a detailed counter narrates the facts of the case and submitted that sofar as this petitioner/A-3 is concerned, he is working as broker in Regional Transport Office. The allegation is A-1 & A-2 have filed a petition before the Regional Transport Office for cancelling the hypothecation endorsement and thereafter, also filed a petition for transferring the RC book and forged the signature of the defacto complainant and transfer the RC Book in the name of A-1 & A-2. Already, A-1 & A-2 have played a major role in transferring the RC book. He further submitted that the petitioner is a broker and filed application for transferring the RC Book. That apart, A-3 has not involved in tampering the witnesses and he is not having any bad antecedents.



6. Considering the facts and circumstances of the case and also considering the fact that this petitioner/A-3 is only a broker and filed an application to transfer the RC Book, A-1 & A-2 have played a major role in transferring the RC book and the petitioner has no bad antecedent, considering the above, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, Nagercoil, Kanniyakumari District;

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioner shall appear before the trial Court on all future hearings without fail.

iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial;

v). 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 petitioner 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 [(2005)AIR SCW 5560];

vi) If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/09/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

- 1.THE JUDICIAL MAGISTRATE NO.1,
NAGERCOIL, KANYAKUMARI DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3.THE OFFICER INCHARGE, DISTRICT PRISON,
NAGERCOIL, KANYAKUMARI DISTRICT
- 4.THE INSPECTOR OF POLICE,
CBCID, NAGERCOIL, KANNIYAKUMARI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9172 of 2020
Date :10/09/2020

KSA
PK/PN/SAR-3/10.09.2020 : 4P/6C