



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

Date : 18/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9780 of 2020

1. U.Chelladurai
2. C.Abdul Minab

... Petitioners/Accused Nos.1 & 2

Vs

State Represented by
The Inspector of Police,
Melur Police Station,
Madurai.

Crime No.1860 of 2020.

... Respondent/Complainant

For Petitioners: Mr.C.Vakeeswaran,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

For Intervener : Mr. Sulthan Basha, Advocate

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

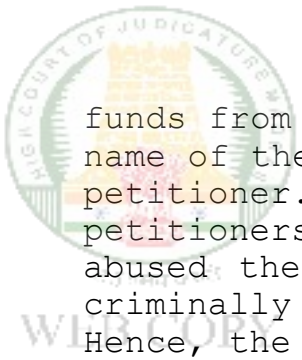
PRAYER :-

For Anticipatory Bail in Cr.No.1860 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i) and 379 of IPC, in Crime No.1860 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are partners in the partnership firm. During the business, they purchased so many properties, subsequently, there was a dispute between the partners, due to which, they separated. During that period, some of the vehicles purchased by them on their own



funds from the partnership firm and one of the earth mover is in the name of the defacto complainant and the same is under custody of the petitioner. Thereafter, the defacto complainant asked the petitioners to return the same, but the petitioners said to have abused the defacto complainant by using filthy language and also criminally intimidated him and refused to return the poclain. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners and the intervener/defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that it is purely a civil dispute. He further submitted that the defacto complainant has filed a suit in O.S.No.115 of 2020 on the file of the IV Additional District Judge, Madurai, which is also pending. Even though vehicle stands in the name of the defacto complainant, it is actually purchased out of his own funds and the petitioners are claiming ownership of the vehicle and the same is under his custody. Earlier the petitioners have given a complaint against the defacto complainant, in which, the defacto complainant was granted anticipatory bail. On retaliation, the present complaint has been filed. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted it is purely a civil dispute. There was a dispute between the partners, due to which, they were separated and some of the vehicles purchased from out of the funds of the partnership firm stands in the name of the defacto complainant. Thereafter, the defacto complainant asked the petitioners to return the poclain, but the same was refused by the petitioners. Hence, the present complaint.

6.On perusal of the records, it is seen that it is a civil dispute between the petitioners and the defacto complainant and they are partners in the partnership firm. Due to same dispute, they got separated and some of the vehicles stands in the name of the petitioners and the disputed poclain was registered in the name of the defacto complainant and the same is under the custody of the petitioners.

7.Considering the facts and circumstances of the case and also considering the rival submissions on either side and the fact that it is purely a civil dispute and the suit is also pending between the parties, hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of

Magistrate

to ensure their identity;

and when required for interrogation.

either during investigation or trial,

3560], and,

18/09/2020

/ TRUE COPY /

/ / 2020

Sub-Assistant Registrar (C.S.)

concerned.

TO

1.THE JUDICIAL MAGISTRATE,

<https://hcservicecorp.com/ma/hcservices/>



2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI.

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

+1 CC to Mr.C.VAKEESWARAN, Advocate (SR-6530[I] dated 21/09/2020)

ORDER

IN

CRL OP(MD) No.9780 of 2020

Date :18/09/2020

vsg

AE/JC/SAR-II (24.09.2020) 4P 6C