

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3328 of 2021

S.RUPESH KOTHARI

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
T-2,AMBATTUR ESTATE POLICE STATION,
CHENNAI.

[RESPONDENT]

For Petitioner : M/S.BALAJI A.P Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.117 of 2020 on the file of the respondent police for the alleged offence u/s 406, 465, 468 and 471 of IPC, seeks anticipatory bail.

2. The petitioner is A1. One Sathyanathan owned a car. He stated to have sold the car to the de facto complainant and handed over the requisite Forms duly signed as required under the Motor Vehicles Rules to A2 for transfer of ownership in favour of the de facto complainant. The allegation is that the petitioner (A1) and A2 by using those papers said to have transferred the ownership of the car in name of the petitioner (A1).

3. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

4. The learned counsel for the petitioner would submit that that the de facto complainant had obtained loan from the petitioner and handed over the required forms duly signed by him for effecting transfer of ownership of the car in the name of the petitioner in the

event of failure of repayment of loan. The de facto complainant did not repay the loan within the time as promised and hence, the petitioner had proceeded to get transferred the ownership of the car in his name. Thereafter, the original owner of the car had set up the de facto complainant to make a false complaint against the petitioner as if he had sold the car to the de facto complainant and the petitioner had cheated him in the loan transaction.

5. The learned counsel for the petitioner would further submit that the dispute is purely civil in nature which has been given the colour of criminal nature. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

6. The learned Additional Public Prosecutor would submit that A1 and A2 had managed to get transfer the vehicle in the name of A1 by using the forms handed over by the de facto complainant duly signed as a security for the loan. He would however fairly submit that there is no previous case reported against the petitioner.

7. Considering the nature of the transaction and the allegations and all other circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambattur, on executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police as and when required by the police for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 himself / Trial Court as laid down by the Hon'ble Supreme Court in

P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
15/03/2021

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 JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-2, AMBATTUR ESTATE POLICE STATION,
CHENNAI.

+1 CC to M/S.BALAJI A.P Advocate on payment of necessary charges
SR NO. 3439

WEB COPY

CRL OP.3328/2021

Date :15/03/2021

MN-31/03/2021

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