



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16625 of 2021

V.S.TAMILAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VELLORE
(CR.NO.5/2021)

[RESPONDENT]

For Petitioner : M/S.P.GUNARAJ Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : MR.P.GOVINDARAJAN Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence u/s 406, 420, 294 (b), 506 (1) and 120 (B) IPC in Crime No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant, the owner of M/s.Balamurugan Transport, had entered into MoU with the petitioner for the take over of the 115 lorries, which were under hypothecation with M/s.Hinduja Finance Ltd. The MoU was entered into on the ground that the petitioner would take over the lorries and would also honour the dues that are due and payable on the hypothecation agreement. However, the petitioner not only failed to pay the dues on the hypothecation agreement, but also left the lorries stranded in open places, thereby causing much damage to the lorries, incurring much monetary loss to the defacto complainant. It is the further case of the prosecution that the original documents pertaining to the lorries were taken over by the petitioner and were not returned to the defacto complainant and when the said documents were sought to be returned, the defacto complainant was threatened with dire



consequences. Therefore, the present complaint has been filed by the defacto complainant resulting in the registration of the case.

3. Learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that this is the second bail application filed by the petitioner. It is the further submission of the learned counsel for the petitioner that the petitioner is trying to possibly enter into a settlement with the defacto complainant and, therefore, prays for grant of anticipatory bail.

4. Learned Government Advocate submitted that the petitioner had, earlier, filed Crl. O.P. No.12823/21 and this Court, vide order dated 19.08.2021, had dismissed the said anticipatory bail petition. He further submits that there is no change of circumstance pointed out by the petitioner except for the fact that the petitioner is trying to enter into a settlement with the defacto complainant. Therefore, he vehemently objected to grant of the prayer as made by the petitioner.

5. This Court, vide order dated 19.8.21, while considering all the aspects of the matter, taking into consideration the fact that there is a huge financial loss suffered by the defacto complainant and that the petitioner, in connivance with other persons had caused serious damage to the business of the defacto complainant by not adhering to the conditions contemplated in the MoU, had dismissed the anticipatory bail plea on the ground that the alleged due to the defacto complainant is to the tune of more than Rs.10 Crores. This Court had also held that the gravity of the offence and enormity of the amount involved in the matter are so very high that it did not warrant grant of anticipatory bail to the petitioner.

6. The present petition, the second one filed by the petitioner for anticipatory bail, while gives the details as was narrated in the earlier petition, the further fact stated by the petitioner is only to the effect that he is trying to enter into a settlement with the defacto complainant. Barring the said averment, there is no material or circumstance, which changes the complexion of the case for this Court to consider that there is a change in circumstance warranting reconsideration of the case of the petitioner for anticipatory bail.

7. As rightly pointed out by the learned Government Advocate, there being no change of circumstance or any other material to show that the petitioner had taken efforts to settle the dues to the defacto complainant, this Court is of the considered view that the present petition also does not deserved to be favourably considered.



8. For the reasons aforesaid, this criminal original petition is dismissed.

WEB COPY

-sd/-

01/11/2021

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 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.GUNARAJ Advocate on payment of necessary charges
SR.No.12270

CRL OP.16625/2021

Date :01/11/2021

APN 12/11/2021