

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18230 of 2020

DHANAPAL CHANDRASEKAR

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY [RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TEAM-I,
OFFICE OF THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI-60 007.

For Petitioner : M/S.P.JESUS MORIS RAVI Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 of I.P.C. in Cr.No.103 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner entered into a dealership agreement with the defacto complainant for selling new FIAT vehicles and accessories on 13.12.2013 and the same was renewed on 17.10.2017. The said agreement is valid till 30.11.2018. Thereafter, the petitioner proposed for another agreement for selling Jeep Grand Cherokee and Jeep Wrangler. The said agreement is valid till 25.09.2019. Even after the expiry of the dealership agreement, the petitioner collected huge money from the innocent public to the tune of Rs.1,44,00,000/- and that amount was neither paid to the defacto complainant nor returned to the customers. Hence, the defacto complainant made a complaint to the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He also submitted that the entire amount was repaid to the customers and if any amount collected by the petitioner from the general public, it is the responsibility of the petitioner to return the amount and the defacto complainant is not an aggrieved person. Accordingly, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that at the time of filing of the complaint, the outstanding due amount payable was Rs.1,44,00,000/-. That amount was not paid to the defacto complainant and five more complaints were received from the general public as if the petitioner collected an amount of Rs.5,00,00,000/- and that amount was also not repaid to the customers or the manufacturer.

5. The learned counsel for the intervenor retained the submissions of the learned Additional Public Prosecutor.

6. Considering the facts and circumstances of the case and also the allegations made against the petitioner that after expiry of the dealership period, the petitioner collected a huge amount from the customers and not paid the same to the manufacturer. Hence, considering the gravity of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is dismissed.

-sd/-

09/04/2021

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,
CENTRAL CRIME BRANCH, TEAM-I,
OFFICE OF THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI-60 007.

2.THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. P.JESUS MORIS RAVI Advocate on payment of necessary charges

CRL OP.18230/2020

Date :09/04/2021

TK/27.04.2021