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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1413 of 2021

Thangapandian

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
CBCID South, Kanyakumari District,
Crime No.04/2020.

... Respondent/Complainant

For Petitioner : Mr.C.Muthusaravanan,
Advocate.

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

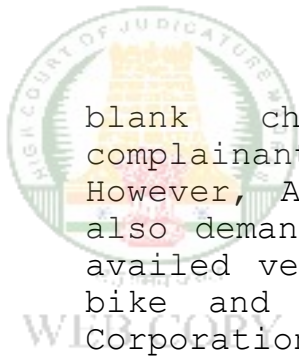
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail Crime No.04 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

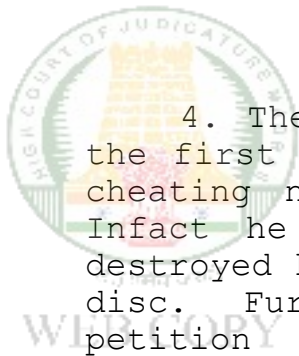
The petitioner/A2 was arrested and remanded to Judicial Custody on 30.06.2020 for the offences punishable under sections 420, 406, 465, 467, 471, 384, 506(i), 120B, 109 r/w 34 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant in this case one Diravied and the petitioner/A-2 is the father of A-1, A-1 is a money lender, in the month of April 2018, the defacto complainant has borrowed a sum of Rs.1 Lakh from A-1 for interest at the rate of 20%, subsequently repaid the amount. Once again, in the month of June 2018, the defacto complainant has borrowed 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 principle amount along with interest. However, A-1 has refused to return the bike and blank cheque and also demanded more interest. Earlier, the defacto complainant has availed vehicle loan for a sum of Rs.4.5 Lakhs for purchasing his bike and hypothecated the same in Housing Development Finance Corporation Limited (HDFC), subsequently he repaid a sum of Rs.3.4 Lakhs upto 28 dues and remaining amount is due to the HDFC. In the meantime, A-2 has approached the HDFC for clearing the loan amount and negotiating with HDFC and he has paid a sum of Rs.1.05 Lakhs to the HDFC to clear the loan and also filed an application for issuance of 'No Objection Certificate' in his name, however, the HDFC has issued 'No Objection Certificate' in the name of the defacto complainant without his knowledge. Later 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 A-3 who is a broker of Regional Transport Office. A-3 has created a forged authentication letter with a forged signature of the defacto complainant and received a Smart Registration Certificate after cancelling hypothecation. Thereafter, A-1 & A-2 have submitted fake documents with the forged signature of the defacto complainant and obtained name transfer in the name of A-1. After knowing the facts about the same, the defacto complainant has preferred a complaint before the Vadasery Police Station in Crime No.316 of 2020 for the offences under Sections 420, 406 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 @ 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. Thereafter, the case was transferred to the respondent police/CBCID South, Kanyakumari, wherein, the crime was registered in Crime No.4 of 2020 for the offences under Sections 420, 406 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 @ 420, 406, 120B & 201 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and the petitioner/A-2 was arrested and remanded into judicial custody on 30.06.2020.

3. The learned counsel for the petitioner would submit that this is the third bail petition and the earlier two petitions were dismissed by this Court on 10.09.2020 and 12.10.2020. He would further submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the only allegation against the petitioner is that he obtained No Objection Certificate from the HDFC bank and submitted application for transferring the name of the vehicle in favour of the first accused with the help of the third accused. He would also submit that investigation in this case is complete and the final report has been filed before the learned Judicial Magistrate No.I, Nagercoil and the same has been taken cognizance in C.C. No.316 of 2020 and the case is pending trial, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that the first accused in this case involved in very serious offence of cheating nearly 120 women by committing sexual assault on them. Infact he also videographed those incident and the same were destroyed by the petitioner herein including the videos in the hard disc. Further he submitted that on one hand the petitioner filed petition for transfer of trial and obtained an interim order of stay before this Court by an order dated 08.10.2020 and in another hand he has filed the present petition for bail. Therefore there is absolutely no change in facts and circumstances of the case and prayed for dismissal of the petition.

5. This is the third bail petition. The petitioner had moved application for bail in Crl.O.P(MD) No. 8119 of 2020 and this Court by an order dated 10.09.2020 dismissed the same. Thereafter he has filed another application in Crl.O.P(MD) No. 11192 of 2020 and this Court by an order dated 10.10.2020 dismissed the same. In the earlier orders the consequences of events and the role played by the petitioner had been dealt with elaborately. When the defacto complainant was in need of money the petitioner along with his son created forged documents and using the same, presented before the bank as well as Regional Transport authorities and taken away Harley Davidson bike of the defacto complainant and when the same was questioned the petitioner herein threatened him. Further during the course of trial the defacto complainant was threatened for which a separate case has been. From the counter filed by the respondent it is seen the involvement of the petitioner in other cases. It is also seen that either the petitioner or other accused are flushed with money and muscle power have been engaging advocates and also making attempts to scuttle the trial. The petitioner had also filed petition to transfer the case in C.C.No. 316 of 2020 and also stalled the progress of the case.

6. Considering all these factors and the notoriety of the petitioner in abetting his son in all illegal activities this Court is not inclined to entertain the petition.

7. At this juncture the learned counsel appearing for the petitioner seeks permission of this Court to withdraw the petition and he has also made an endorsement to that effect.

8. In view of the submission and endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn.

9. It would be of beneficial to mention that the petitioner's son has involved in the case of sexual harassment of the victim girls and also captured private acts of the victims and thereby using the same threatening the victims and continue his illegal activities. During investigation in one of the cases it was found



accused persons. The accused Suji @ Kasi 's laptop contained more than 1900 obscene full and half nude photos and 400 above videos taken by the accused persons and the same is recorded and now -a-days the victims are coming forward to lodge complaints against the accused persons. These people need no sympathy.

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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 OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL
- 2.THE INSPECTOR OF POLICE,
CBCID SOUTH, KANYAKUMARI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1413 of 2021
Date :16/03/2021

AAV
AE/SMA/SAR-III (22/03/2021) 4P / 4C