



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

Date : 30/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5951 of 2021

Thangapandiyan

... Petitioner/2nd Accused

Vs

State of Tamil Nadu

The Inspector of Police,

CBCID Nagercoil,

Kanyakumari District.

(on the file of CCID Cr.No.4 of 2020)... Respondent/Complainant

Dravied

... Intervener/Defacto Complainant

in CRL MP(MD)No.3609 of 2021

in CRL OP(MD)No.5951 of 2021

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel
for Mr.S.Seenivanan

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate(Crl.side)

For Intervenor : Mr.S.Poornachandran, Advocate

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

PRAYER :-

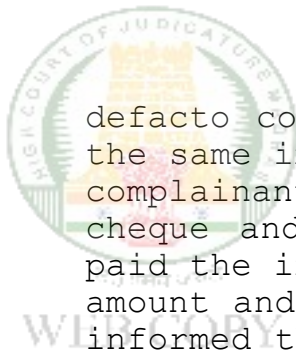
For Bail in Crime No.4 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 30.06.2020 for the offences punishable under Sections 420, 406, 465, 467, 471, 384, 506(i), 120B, 109 IPC r/w Section 34 IPC and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.4 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and A1 were friends and A1 is a money lender. In April 2018, the

<https://hcservices.courts.gov.in/hcservices/>



defacto complainant borrowed a sum of Rs.1 Lakh from A1 and repaid the same in May 2018. Thereafter, in the month of June, the defacto complainant borrowed a sum of Rs.2 Lakhs from A1 by giving one cheque and his two wheeler as security. The defacto complainant paid the interest regularly and during August 2018, he paid the loan amount and requested A1 to return his two wheeler. At that time A1 informed that there is due in payment and refused to return the two wheeler. Later he came to know that the ownership of the two wheeler was changed into the name of A1, without getting consent from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is no way connected with the crime and he is in custody from 30.04.2021. He further submitted that trial in this case was commenced and hence, he seeks bail to the petitioner.

4.The learned counsel for the intervenor strongly opposed this petition on the ground that this petitioner along with other accused continuously gave threat to the defacto complainant. In fact, the petitioner and other henchmen abducted the defacto complainant and threatened him to withdraw the complaint. In this regard, a case in Cr.No.646 of 2020 was registered for the offence under Sections 147, 294(b), 406, 365, 468, 323, 506(i) IPC. He also submitted that the petitioner filed three bail petition and the last petition was dismissed 16.03.2021 and there is no change in circumstances.

5.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that it is very sensitive case and A1 in this case was involved in commission of offence against women and also other offence and the petitioner herein is the father of A1. Trial in this case is going on and if the petitioner is released on bail, there is possibility of abscondence from the trial. Therefore, he opposed this petition.

6.It is seen that there was money transaction between the defacto complainant and A1. The main allegation against A1 is he transferred the ownership of the bike, which was given as security and threatened the defacto complainant. The other allegation is that A1 involved in other cases also. The defacto complainant is being threatened even when this case is pending. It is also seen that trial in this case is going on and the earlier petition was dismissed only on 16.03.2021. Considering all these facts, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

7.It is brought to the notice of this Court by the learned counsel for the petitioner that the defacto complainant is not in India and he is in USA. Therefore, the respondent police is



India when he signed in vakalat to file intervening petition and submit a report on 03.06.2021. Post the matter on 03.06.2021.

sd/-

30/04/2021

/ TRUE COPY /

/ /2021

WEB COPY

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 SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
2. THE INSPECTOR OF POLICE,
CBCID NAGERCOIL,
KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5951 of 2021

Date : 30/04/2021

GNS

AE/JC/SAR-II/21.05.2021/3P/4C