



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP (MD) No.8456 of 2021

1.Gopinath
2.Vignesh

... Petitioners/Accused Nos.A3& A4

Vs

The State Rep. by
The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District
Crime No.183/2021.

... Respondent/Complainant

For Petitioners : Mr.Karunakaran.K.M.,
Advocate.

For Respondent : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor

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

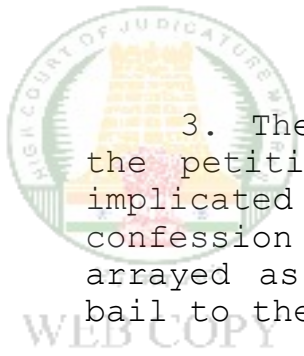
PRAYER :-

For Anticipatory Bail in Crime No. 183 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 403, 406 & 420 of IPC in Crime No. 183 of 2021. They seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was doing rental car business in and around Chennai. Due to loss in his business, he had given his cars for monthly rental basis directly to the accused. Due to which, they entered into an agreement. Thereafter, the accused persons, cheated him without paying the rent. Hence, this case.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that based upon the confession statement given by the co-accused, the petitioners are arrayed as accused and hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant was doing rental car business in and around Chennai. Due to loss in his business, he had given his cars for monthly rental basis directly to the accused. Due to which, they entered into an agreement. Thereafter, the accused persons cheated him without paying the rent. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard both sides.

6. It is seen that the earlier application was dismissed, on 19.05.2021, on the ground that the custodial interrogation of the petitioners are required and subsequent that, this petition came to be filed without mentioning the change of circumstance. Since it is the second anticipatory bail application, CD file was called for and it was also submitted and perusal of CD file shows that the petitioners along with the main accused namely, Malaisami and Dharmaraj indulged in taking vehicles on hire basis and pledged them by creating forged documents and thereby, cheated several persons all over the Tamilnadu.

7. The contention on the part of the petitioner that only based upon the confession statement given by the co-accused, these petitioners were arrayed as accused, cannot be taken into account at this stage. The involvement of the petitioners, came to know only during the course of investigation. The argument that these petitioners did not make any such an agreement with the defacto complainant, cannot be taken into account, at this stage. The entire reading of CD file shows that the petitioners are not entitled for discretionary relief of anticipatory bail.

8. Considering the nature of allegation and considering the gravity of the offence committed by the petitioners, I find, no reason to differ from the view expressed from the earlier order. It is also informed that the second petitioner was arrested and remanded to custody.

9. In the result, this Criminal Original Petition stands dismissed.

sd/-

06/07/2021

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/ /2021

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 INSPECTOR OF POLICE,
NACHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.8456 of 2021
Date :06/07/2021

DSS
TE/SKN/SAR-V : 09/07/2021 : 3P/3C