



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.9351 and 9359 of 2021

Subramani,

... Petitioner/Accused
in both petitions

Vs

State Rep by
The Inspector of Police,
Theni Town Police Station,
Theni District.
In crime No.833 and 384 of 2021

... Respondent/Complainant
in both petitions

For Petitioner : M/s.Pandiyan V, Advocate.
(IN BOTH PETITIONS)

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
(IN BOTH PETITIONS)

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

PRAYER :-

For Anticipatory Bail in Crime Nos.833 and 834 of 2021 on the
file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent Police, in connection with the case in Crime No.833 of
2021 for the offence under Sections 465, 471, 406 and 420 IPC and
also in connection with the case in Crime No.834 of 2021 for the
offence under Sections 468, 471, 406, 420 and 109 IPC, on the file
of the respondent Police, seeks anticipatory bail in both the cases.

2. The case of the prosecution is that the defacto complainant
sold his Bolero Car bearing Reg.No.TN6AF 3198 to the petitioner.
The petitioner paid Rs.85,000/- to the defacto complainant and also
agreed that he will pay the EMI amount to Mahendra Finance on behalf
of the complainant. But, the petitioner failed to remit EMI



periodically and sold the vehicle to somebody else, by creating forged documents. Hence, the complaints.

3. The learned counsel for the petitioner submits that the petitioner never sold the vehicle to the third party. The petitioner, after receiving the car from the defacto complainant, paid eight installments and not paid the installment amount only for the period of May and June 2021. Due to financial difficulties, he pledged the vehicle to one Murugan for Rs.3,00,000/- and gave one blank cheque and pronote for security purpose. Now, both joined together and lodged a complaint before the respondent Police. So far, the petitioner paid a sum of Rs.2,33,000/- as EMIs. Now, the defacto complainant wanted to get back the vehicle, without giving any money.

4. When the matter was taken up for hearing on 15.07.2021, a representation was made on behalf of the petitioner that there is a possibility of settlement. Therefore, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench. Thereafter, the petitioner had not taken any steps for settlement before the Mediation Centre.

5. Again, the matter was listed before this Court on 20.09.2021, this Court, considering the facts and circumstances of the case, granted interim anticipatory bail to the petitioner in both the cases, enabling him to appear before the respondent Police for enquiry and also directed the petitioner to co-operate for the enquiry. The petitioner, after getting an order of interim anticipatory bail, has not taken any steps to solve the issue amicably and also failed to appear before the respondent Police for enquiry.

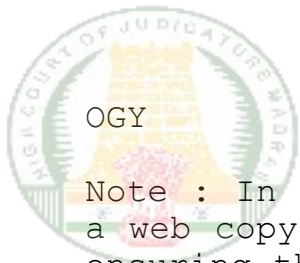
6. Considering the facts and circumstances of the case, the nature of offence and also the fact that though this Court vide order dated 20.09.2021 granted interim protection and also directed the petitioner to appear before the respondent Police for enquiry, the petitioner failed to appear before the respondent Police and also to co-operate for the enquiry, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, both the Criminal Original Petitions are dismissed.

sd/-
04/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



OGY

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,
Theni Town Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP (MD) Nos.9351 and 9359 of 2021
Date : 04/10/2021

TR/PN/SAR-I (26.10.2021) 3P 3C