



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.09.2021

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PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11997 of 2021

1.C.Bharathan

2.P.Rajasekar

... Petitioners/Accused Nos.1 & 2

Vs

The State Rep. by
The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
(Crime No.197/2021).

... Respondent/Complainant

For petitioners : Mr.AN.RAMANATHAN
Advocate.

For Respondent : Mr.T.KOTTAI CHAMY
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail Crime No.197 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323,506(i), 379 & 109 of I.P.C, in Crime No.197 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant worked as lorry Driver under One Nagarajan. On 21.07.2021, when he was driving the lorry on Madurai National Highways near Pappankulam, three unidentified persons intercepted the lorry, attacked the defacto complainant with hands, took the lorry bearing Reg.No.TN-69-BH-0454 with cash of Rs.27,000/-. When the defacto complainant informed about the occurrence to the lorry owner, it came to know that only on his instruction the lorry was taken from him by the petitioners. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the first petitioner is the Collection Manager and the second petitioner is a Sales Manager in Kotak Mahindra Bank Limited of Madurai and one Nagarajan has availed vehicle loan with the petitioner's Bank for a sum of Rs.33.14 Lakhs by loan agreement dated 31.10.2019. There was a default of eight monthly installments to the Bank and as per their agreement, a notice was issued to the owner of the vehicle on 19.07.2021 through registered post and the same was received by him on 28.07.2021. After the repossession notice, the vehicle was repossessed by the bank on 21.07.2021 and further notice of repossession dated 22.07.2021 is also served on the owner Nagarajan through RPAD. The Nagarajan has also paid a sum of Rs.2 lakhs to the credit of the loan on 29.07.2021 and therefore, the vehicle was released on 03.08.2021. After getting back the vehicle through his driver, this complaint is lodged for the occurrence said to have taken place on 21.07.2021.

4.Heard the learned Government Advocate (Crl. Side).

5.Considering the facts and circumstances of the case, the petitioners being lenders and Considering the nature of allegations levelled against them, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/09/2021

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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 JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.AN.RAMANATHAN, Advocate SR.No.5888

ORDER

IN

CRL OP(MD) No.11997 of 2021
Date :01/09/2021

SA/VR/SAR.4/14.09.2021/3P/6C