



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12283 of 2021

Nihmathullah Sherif ... Petitioner/Accused No.1

Vs

The state represented by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City
(Crime No. 379 of 2021). ... Respondent/Complainant

O.S.BALAJI ... Petitioner/Intervenor
in CRL MP(MD) No.6743 of 2021

For Petitioner : Mr.Anantha Murugan S.M.,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.D.Sadiq Raja,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No. 379 of 2021 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 406 and 420
IPC, in Crime No.379 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant
is running a tours and travels agency and the petitioner has
approached the de-facto complainant for taking two cars on rental
basis. The de-facto complainant has arranged his friend's father's
car, namely, TATA ZEST bearing Reg.No.TN-63-BW-3259 and fixed rent
as Rs.2,000/- per day. Thereafter, on 16.02.2021, he rented another
car to the petitioner namely, Toyota Innova bearing Reg.No.TN-58-X-
4219 for Rs.2,700/- per day, for which, the petitioner has totally
paid a sum of Rs.1,31,000/-. Thereafter, the petitioner neither
paid the rental amount nor returned the cars to the de-facto
complainant. Hence, the complaint.



3.The learned counsel for the petitioner submits that the petitioner is doing the business of selling second hand cars on commission basis. During the corona pandemic, the de-facto complainant approached the petitioner and requested him to bring persons, who are having interest in buying his two cars. Accordingly, the petitioner introduced one Mani @ Pushparaj, hailing from Trichy to the de-facto complainant and the defacto complainant has agreed to sell his car. The said Mani @ Pushparaj has paid a sum of Rs.2,00,000/- as advance to the de-facto complainant. On receiving such amount, the de-facto complainant handed over his cars to the said Mani @ Pushparaj. Since there was a dispute between the de-facto complainant and the said Mani @ Pushparaj, the present case was registered against the petitioner.

4.The learned counsel for the petitioner further submits that on 31.08.2021, the matter was referred to the mediation and this Court appointed Mr.S.Louis as Mediator to mediate the issue between the petitioner and the de-facto complainant. Now the mediation is going on and he requires further two weeks time.

4.The learned counsel for the de-facto complainant disputed the same and submitted that the petitioner has not co-operated for the mediation and he has not even returned the vehicles for the past two years.

5.The learned counsel for the petitioner, in response, submits that the vehicles are in bad condition and therefore, he wants two weeks time to repair the vehicles and return the same to the de-facto complainant.

6.The learned Government Advocate (Crl. side) for the respondent strongly opposed this petition on the ground that investigation is yet to be completed.

7.Considering the conduct of the petitioner in taking the vehicles under the guise of hire purpose and in not returning the vehicles for a long period, this Court is not inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-

14/09/2021

/ TRUE COPY /

/ /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
AVANIYAPURAM POLICE STATION, MADURAI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12283 of 2021
Date :14/09/2021

SS/JM/SAR-IV/23.09.2021 : 3P/3C