



WEB COPY

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

Date : 02/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16053 of 2021
and
CRL MP(MD)No.9919 of 2021

Nihmathullah Sherif, ... Petitioner/Accused No.1
Vs
State Rep by,
The Inspector of Police,
Avaniyapuram Police Station, Madurai
City (Crime No. 379 of 2021). ... Respondent/Complainant

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

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.P.R.Prithiviraj, 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 offences punishable under sections 406 and 420 IPC in Crime No.379 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The allegation as against the petitioner is that after hiring cars on rental basis from the defacto complainant, who is running a tours and travels agency, the petitioner neither paid the rental amount nor returned the cars to the defacto complainant.

3.The learned counsel appearing for the petitioner submits that this is the second petition filed by the petitioner for anticipatory bail. The earlier petition was dismissed by this Court on 14.09.2021. He further submits that the petitioner is in no way connected with the case as alleged by the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that this is the second anticipatory bail petition. Earlier petition filed by the petitioner for anticipatory bail was dismissed considering the submission made by the learned Government Advocate that the investigation is yet to be completed and taking into consideration 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, and as on date, there is no change in circumstances.

5. Considering the fact that there is no change in circumstances, after the dismissal of earlier petition, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition is closed.

sd/-

02/12/2021

/ TRUE COPY /

/ /2021

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

VRN

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.

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate(SR-8781[I] dated 03/12/2021)

ORDER
IN
CRL OP(MD) No.16053 of 2021
and
CRL MP(MD)No. 9919 of 2021
Date :02/12/2021

PKP/CN/SAR-3/10.12.2021/2P/4C

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