



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7067 of 2022

KESAVAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT
CRIME NO.40 OF 2022

[RESPONDENT]

For Petitioner : M/S.M.ARUNACHALAM, Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, herein apprehending arrest for the offences under Sections 324, 392 and 420 of I.P.C., in Crime No.40 of 2022, seeks anticipatory bail.

2. The petitioner herein has forcibly taken possession of the Toyota Innova Crysta car, which was given to the custody of the defacto complainant.

3. The Learned Counsel for the petitioner would submit that, the petitioner is an employee of the Finance Company, which had an advantage of arbitral award to take possession to the vehicle, in view of the default in payment. However, such possession cannot be taken illegally, stealthily or against the established principle of law.



4. There is a prima facie case to indicate that the petitioner has gone to the defacto complainant's shop, who is the second hand car dealer. Under the pretext of test driving the car, he has stolen the car. Therefore, he may be fortified an order of the arbitral award to repossess the vehicle. The manner in which the vehicle has been repossessed is illegal and against law. Hence, the petitioner is not entitled for anticipatory bail. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
30/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, NAMAKKAL

2 THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to MR.M.ARUNACHALAM, Advocate on payment of necessary
charges SR.NO.4981

CRL OP.7067/2022

Date :30/03/2022

JPA 05/04/2022