



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.1481 of 2022

R.Abulkalam

... Petitioner/Sole Accused

Vs

1 The State rep.by,
The Inspector of Police(Crime),
Annanagar Police Station, Madurai City.
Crime No.2289/2021.

... Respondent/Complainant

2. Sukumaran

... 2nd Respondent

(R2 Suo Motu Impleaded Vide Order dated
11/04/2022, made in Crl OP(MD)No.1481 of
2022)

For Petitioner : Mr.D.Malaichamy,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.2289 of 2021 on the file
of the Respondent police.

ORDER : The Court made the following order :-

The case of the defacto complainant is that he has purchased a
Scorpio Car by availing finance of Rs.13,45,630/-from Sri Ram
Transport Finance Corporation, that he becomes sick and he has
approached the accused that the amount will be paid through
installments. From the above said promise paying the amount
regularly and the vehicle was taken. But, in default of payment of
EMI from 14.02.2021 he approached the accused to return back the
vehicle. Thereafter, a complaint was lodged on 16.02.2021, there was
no action taken by the respondent police. Subsequently, he has filed
a petition under Section 156(3) of Criminal Procedure Code before
the learned Judicial Magistrate No.VI, Madurai and the said petition
was admitted and issued directions to the respondent police to



register the case and over which the present case is registered.

2. Heard the learned counsel appearing for the petitioner and learned Government Advocate (crl. side) appearing for the respondent police.

3. The learned counsel appearing for the petitioner submitted that the defacto complainant approached the petitioner to lend a car in his name and accordingly the petitioner has paid down payment for the aforesaid vehicle. The petitioner has paid regular installments for which challans were also produced. He further submitted that further the documents also shows that the petitioner has also paying the regular installments and thereafter he is not in a position to pay some installments because of pandemic situation. The challans have also been produced. Thereafter, the finance company has pressurised to repay the installments. Now the petitioner is ready to settle the entire issue, but the finance company has demanded the dues from the defacto complainant in respect of another vehicle loan availed by him. Based on the complaint given by the defacto complainant, the present case has been registered.

4. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that part of the investigation is almost completed.

5. Considering the facts and circumstances of the case and part of the investigation has also been completed as received through the CD file. The interim order already granted is made absolute.

6. With the above observations, this Criminal Original Petition is disposed of.

sd/-

02/08/2022

/ TRUE COPY /

/08/2022

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

TO

1 THE INSPECTOR OF POLICE (CRIME),
ANNANAGAR POLICE STATION,
MADURAI CITY.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. MALAICHAMY.D Advocate SR.No.35585.

ORDER IN

CRL OP(MD) No.1481 of 2022

Date : 02/08/2022

ksa

<https://www.mh.judiciary.gov.in/> I/24.08.2022/2P/4C