

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11402 of 2022

Arivalagan ... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Varusanadu Police Station,
Theni District.
Crime.No.86/2022.

... Respondent/Complainant

For Petitioner : Mr.P.T.Ramesh Raja, Advocate for
Mr.Susi Kumar.C, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

For Intervenor : Mr.Ananth C.Rajesh, Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.86 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 294(b) and 506(i) of I.P.C., in Crime No.86 of 2022 on the file of the respondent police, seek/s anticipatory bail.

2. The case of the prosecution is that the petitioner is own brother of her husband and the defacto complainant has purchased a JCB bearing Regn.No.TN 60 AA 0897 by getting a sum of Rs.18,00,000/- as loan from the Sri Ram Transport Finance Company. Subsequently, the the petitioner has entered into an agreement with the defacto complainant and taken the JCB by assuring that he will repay the amount to the finance company. Thereafter, the defacto complainant recieved notice from the finance company by indicating that she has to pay Rs.29,00,000/- and at that time she came to know that the petitioner has not paid the installments to the finance company. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has paid a sum of Rs.1,00,000/- to the defacto complainant and taken the JCB on 06.04.2019. Thereafter, due to Covid-19 Pandemic situation he was not able to pay the installments to the finance company and he is ready to pay the amount and he seeks anticipatory bail to the petitioner.

4. The learned counsel for the intervenor submitted that the petitioner is none other than the brother of the defacto complainant's husband and he failed to repay the amount to the finance Company after getting JCB from her and he strongly opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner has taken the JCB from the defacto complainant on promising to pay the installments on behalf her to the finance company and subsequently, he failed to do so and hence, the custodial interrogation of the petitioner is necessary and he strongly opposed to grant anticipatory bail to the petitioner.

6. Considering the serious nature of offence committed by the petitioner and also submission made by the learned Government Advocate (Crl. Side) appearing for the respondent, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

30/09/2022

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/10/2022

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

TO

1 THE INSPECTOR OF POLICE
VARUSANADU POLICE STATION, THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.11402 of 2022

Date :30/09/2022

MK/GB/SAR.II/12.10.2022/2P/3C