



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.16810 of 2022

Sathyaseelan

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Kanyakumari District.
(Crime No. 26 of 2019).

... Respondent

For Petitioner : M/s. Micheal Sebastin B,
Advocate.

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

For Intervenor : Mr.S.Poornachandran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.26 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 467, 468 and 120(B) IPC, in Cr.No.26 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Branch Manager of Sundaram Finance Limited. The petitioner had availed loan for the vehicles from the defacto complainant's company and a hypothecation agreement was also entered into. But the petitioner, without repaying the loan amount, had availed loan with regard to the same vehicles from the other finance company. As of now, the petitioner has to repay Rs.1,01,33,769/- to the defacto complainant's company. Hence, the complainant.



3.The learned counsel for the petitioner would submit that the petitioner had refinanced the vehicles only with consent of the de-facto complainant. He would further submit that the petitioner has already repaid a sum of Rs.47,17,488/- to the de-facto complainant's account and he had been repaid the dues, by selling the vehicles and in addition 3 vehicles were taken into custody by the de-facto complainant's company and as on date, there is no due on the part of the petitioner. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) for the respondent police would submit that there are three accused involved in this case and the petitioner is arrayed as A1. The petitioner had availed loan for the vehicles from the defacto complainant's company and thereafter, he has not repaid the amount and as of now, the petitioner has to repay Rs.1,01,33,769/- to the defacto complainant's company. The investigation is not yet completed and the custodial interrogation of the petitioner is necessary in this case. Hence, he strongly opposed to grant anticipatory bail.

5.The learned counsel for the intervenor concedes the submission made by the learned Government Advocate (Crl.Side)for the respondent police.

6.Considering the gravity and nature of the offence and also considering the facts that the huge amount involved in this case and the investigation is not yet completed and the custodial interrogation of the petitioner is very much necessary in this case, this Court is not inclined to grant anticipator bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
04/11/2022

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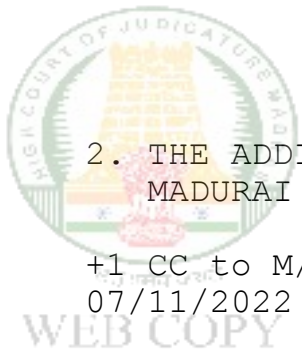
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT.



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

+1 CC to M/s.S.PON SENTHIL KUMARAN, Advocate (SR-12537[I] dated
07/11/2022)

ORDER

IN

CRL OP(MD) No.16810 of 2022

Date :04/11/2022

RK/TR/SAR-3 (17/11/2022) 3P/4C