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Crl.O.P.No.18898 of 2023

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Reserved On	04.09.2023
Pronounced On	08.09.2023

RMT.TEEKAA RAMAN, J.

The petitioners/A1 & A3, who apprehend arrest at the hands of the respondent police for the alleged offences under **Sections 120(B), 468 and 506(i) of IPC in Crime No.218 of 2023** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the *de-facto* complainant is a Branch Manager of Shriram Finance having office at Nilakottai. The 1st petitioner has obtained vehicle loans from the *de-facto* complainant for the purchase of the vehicles of seven in numbers and *de-facto* complainant provided loan for the 1st petitioner. Thereafter the 1st petitioner has filed a suit for injunction in O.S.No.71 of 2021 on the file learned District Munsif, Nilakottai. Moreover, on 10.01.2022, Arbitrator Mr.S.Muthusamy has passed an Arbitration award by hypothecating the vehicles and while searching the vehicles for hypothecation, the 1st petitioner agreed to settle the loan and made an affidavit on 07.10.2022. While being so,



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the *de-facto* complainant has filed a Petition U/s. 8 of Arbitration and Conciliation Act, 1996 before the learned District Munsif Court, Nilakottai in I.A.No.1 of 2021 in O.S.No.71 of 2021 praying to refer the suit for arbitration and for the dismissal of the suit and same was allowed by order dated 11.11.2022. Thereafter, the 1st accused has not paid any amount in respect of the loans obtained. The 1st accused has preferred a revision against the order made in I.A.No.1 of 2021 before the Hon'ble Madurai Bench of Madras High Court in C.R.P.(MD)No. 1716 of 2023 and same is pending.

3. On the above stated circumstances, the *de-facto* complainant based upon a secret information came know that the accused persons are indulging in criminal conspiracy to change the engine number, chassis number and vehicle number of the vehicles at Thiruchengodu and making an attempt to sell the hypothecation vehicles. Accordingly, with the party he went to the mechanic shop Viz., Amman Hydraulic situated at Pattaraimeadu, Thiruchengodu and saw the vehicles bearing Registration number, Engine Number and Chassis Number of KAO1MP7691, KAO1MP7191 &



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8975050006-CMS 1200-330-PNE750680 (Compressor) has been illegally changed to KA07B5106, KAOMV4789 & PNE750036. On enquiry about the said crime to the labourer's, they said the 2nd accused Mayandi has left the vehicle and told to change it and the *de-facto* complainant has called the 2nd accused about the said event and for which the 2nd accused has threaten the *de-facto* complainant with dire consequences and thereafter the vehicles were seized and kept at TCMS compound, Thiruchengodu.

4. The learned counsel for the petitioners stated that they are no way connected with the alleged offence.

5. After hearing the learned counsel appearing for the parties, I find that seven vehicles has been taken from hypothecation by the 1st and 2nd accused and three vehicles have been seized. Out of the four vehicles found to be missing, three are vehicles and one is a Rick Bore Engine. When the matter is pending for arbitration proceedings, at this juncture, they took the vehicle and tried to change the registration number, engine number and chassis number as stated above and tried to sell the same.



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6. Considering the nature and gravity of the offence and also the overt act alleged against the 1st petitioner and his brothers A2 & A3/2nd petitioner herein and the stage of the investigation, I am not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original petition is dismissed with liberty to file an anticipatory bail after change of circumstances, if any.

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