



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5211 of 2023

Sivakumar,

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
Crime No. 16 of 2023.

... Respondent/Complainant

For Petitioner : Mr.A.Dharani, Advocate.

For Intervenor : Mr.Anand C.Rajesh, Advocate

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

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

PRAYER :-

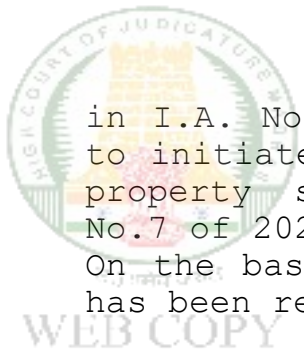
For Anticipatory Bail in Crime No. 16 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 206,417,422,466,471,477 and 488 of IPC in Crime No. 16 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had a sum of Rs.28,25,000/- fro one Sri Ram Transport Finance Company Limited, Aruppukottai Branch a private Finance company in which the defacto complainant was working as a Manager. For the said amount the petitioner had mortgaged his vehicle and he is supposed to pay a sum of Rs.45,61,358/- in 63 instalments. As per petitioner failed to repay the amount the vehicle was auctioned and sold for Rs.11,25,000/- and for the remaining amount the property of the

<https://www.mca21.com.in/>



in I.A. No.01/2021 on 17.03.2021. When the finance company came to initiate legal proceedings the above said attachment on the said property seems to have been cancelled according to Arbitration case No.7 of 2021 on 19.10.2022 vide attachment of cancellation of order. On the basis of the complaint given by the finance company a case has been registered.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner had borrowed loan to the tune of Rs.28,25,000/- with a private financial institution called Sri Ram Transport Finance Company Limited for purchasing lorry. After 63 months he failed to repay the balance amount, therefore the amount comes to the tune of Rs.45,61,358/-. Therefore the vehicle was seized by the finance company and sold to a sum of Rs.11,25,000/- In order to recover the balance due, the defacto complainant initiated proceedings before Arbitration. Arbitration passed an interim order thereby attaching the property. The petitioner herein fabricated the attachment as if it was passed by Arbitration and also got registered before the concerned Registrar Officer. He fabricated the attachment order by putting his signature and seal, therefore the petitioner has committed very serious offence and in view of the same, custodial interrogation of the petitioner is very much required, hence this court is not inclined to grant anticipatory bail to the petitioner.

5. Hence the petition stands dismissed.

sd/-
20/03/2023

/ TRUE COPY /

/03/2023

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

AAV

TO

1 THE INSPECTOR OF POLICE
PANDALGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-4583[I] dated 20/03/2023
ORDER

IN

CRL OP(MD) No.5211 of 2023

Date :20/03/2023