



CRL OP(MD)No.16926 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.16926 of 2023

Kishore Kumar @ Mukilan

... Petitioner/ Accused No.3

Vs

State Rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.468 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.G.Ramanathan,Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

For Intervenor : Mr.M.Prabhu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.468 of 2023 on the file of the Respondent Police.
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)No.16926 of 2023

WEB COPY

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 379 IPC in Crime No.468 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant owned one Excavator Hitachi and he is doing business by hiring the vehicle to the third parties. When the vehicle was doing work at Viruthachalam, A1 and A2 introduced to the defacto complainant. On 13.03.2023, A1 and A2 brought the petitioner herein to the defacto complainant's house and said that the petitioner in a need of vehicle for his quarry work. The petitioner and the defacto complainant entered into an agreement. As per agreement, the petitioner has to pay Rs.2,10,000/- as monthly rent, for which, Rs.1,00,000/- received as advance. At the time of agreement, vehicle worked at Ramco Cement Factory at Viruthachalam. The accused went there and take away the vehicle to Chathamangalam, Namakkal. After one month, when the defacto complainant demanded rent, the petitioner issued cheque of Karur Vvsysa Bank, Metturdam Branch. On suspicious, the defacto complainant went to Mettur, but, the accused refused to show the vehicle. Subsequently, the defacto complainant came to know that the accused sold the vehicle. Hence, the case.



CRL OP(MD)No.16926 of 2023

WEB COPY

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged in the complaint. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the defacto complainant is a owner of Excavator Hitachi. The petitioner and the defacto complainant entered into an agreement for using the vehicle on rent basis. But, the accused persons sold the vehicle and committed the offence criminal breach of trust. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner committed the offence of criminal breach of trust, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
03/10/2023

/ TRUE COPY /

/10/2023

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

GNS



CRL OP(MD)No.16926 of 2023

TO

1 THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.G.RAMANATHAN, Advocate (SR-14657[I] dated 05/10/2023)

ORDER
IN

CRL OP(MD) No.16926 of 2023

Date :03/10/2023

PKP/DD/SAR- /09.10.2023/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023