

Crl.O.P.No.15709 of 2024**RMT. TEEKAA RAMAN.,J.**

By order dated 06.03.2024, this Court dismissed the anticipatory bail petition filed by the petitioners. This is the third bail petition filed by the petitioners.

2.The case of the prosecution is that the defacto complainant is a Branch Manager of Shriram Finance having office at Nilakottai. The first petitioner obtained vehicle loans from the defacto complainant for the purchase of the vehicles (seven in number). Thereafter, the first petitioner filed a suit for injunction in O.S.No.71 of 2021 on the file of the learned District Munsif, Nilakottai. On 10.01.2022, Arbitration Award was passed by hypothecating the vehicles and when the vehicles were searched for hypothecation, the first petitioner undertook to settle the loan amount vide affidavit dated 07.10.2022. While so, the defacto complainant has filed a petition under Section 8 of Arbitration and Conciliation Act, 1996 before the learned District Munsif, Nilakottai in I.A.No.1 of 2021 in O.S.No.71 of 2021 praying to refer the suit for arbitration and for dismissal of the suit and the said application was allowed by order dated 11.11.2022. Without paying the loan amount, the first petitioner filed a revision against the order in I.A.No.1 of 2021 before the Madurai Bench of this Court in C.R.P.(MD) No.1716 of 2023 and stay was granted. On secret information that the accused are

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attempting to sell the vehicles by changing the engine numbers, chassis numbers and vehicle numbers, the defacto complainant went to a mechanic shop viz., Amman Hydraulic situated at Registration Number, Engine Number and Chassis Number of KA01MP7691, KA01MP7191 and 8975050006-CMS 1200-330-PNE750680 (compressor) have been illegally changed to KA07B5106, KA0MV4789 and PNE750036.

3. Learned counsel for the petitioners submits that there is change of circumstance and prays for grant of anticipatory bail.

4. Learned Government Advocate (Crl.Side) submits that based upon enquiry, it has come to light that the petitioners along with other accused attempted to sell the vehicles by changing the engine numbers and chassis numbers. He has further submitted that out of four vehicles, two vehicles only recovered and one vehicle is yet to be recovered and investigation is pending.

5. I do not find any change of circumstance to grant anticipatory bail to the petitioners and this petition is accordingly dismissed.

10.07.2024

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