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Crl. O.P. No.27915 / of 2024

P. DHANABAL.J.,

The petitioners / A1 and A3, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 420, 468 and 471 of IPC in connection with the Cr. No.276 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant Rajakumaran, Branch Manager at Solamandalam Investment and Finance Company lodged a complaint stating that on 24.12.2021, the accused A1 to A3 colluded with each other and applied loan for third party settlement before the defacto complainant's company by producing the JCB Vehicle bearing Registration No.TN21-BD-9698, which was registered in the name of A5 Manoharan and on 29.12.2021, the complainant sanctioned loan to A4 Thiagarajan as Third Party settlement, after verifying all the documents. Thereafter, while checking the hypothecation endorsement from the RTO office, Arakkonam, it was found that already the accused persons have obtained loan for the same vehicle and further it came to know that the accused Saravanan and Prabakaran created a forged RC Smart Card for the vehicle and registered in Kancheepuram RTO and sold

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the same to the accused A5. When the same was questioned by the accused, the accused A1 and A5 refused the borrowal of loan and also refused to pay the money and also stated that the JCB vehicle was seized by the Kancheepuram police officials. Thereby, the accused persons colluded with each other and obtained loan amount from the complainant's finance company and cheated. Hence the case.

3. The learned counsel for the petitioners would contend that the the respondent police have registered a false case as against these petitioners for the alleged offences under Sections 420, 468 and 471 of IPC. As per the prosecution case, the petitioners and others approached the defacto complainant's to obtain loan for purchasing a second hand vehicle and after sanctioning of loan, the company came to know about the mortgage deed which was already executed for the said vehicle and also came to know about the forged document. In this case, co-accused were granted anticipatory bail by this Court and these petitioners are innocent persons and false case has been registered against these petitioners due to previous enmity and hence they may be released on anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that the defacto complainant's company sanctioned loan amount, for which

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the accused had produced JCB Vehicle bearing Registration No.TN21-BD-9698. In fact, the said vehicle belonged to A5 and after obtaining consent from A5, the company offered loan of Rs.15,67,000/-. Thereafter, they came to know that already the accused have obtained loan for the same vehicle through hypothecation endorsement. Further the accused A1 and A4 have created forged R Smart Card for the vehicle and registered in RTO, Kanchipuram and sold the same to the accused A5. Therefore, the complaint was lodged and based on the complaint, the respondent police have registered the case in Cr. No.276 of 2023 under Sections 420, 468 and 471 of IPC. On investigation, they came to know that the said Saravanan purchased the JCB vehicle on 28.09.2017 and he handed over the vehicle and the RC book to one Shankar for the loan obtained by him. Thereafter, the JCB was seized by the police and produced before the Judicial Magistrate Court No.II, Kanchipuram in a murder case in Kanchipuram Taluk Police Station Cr. No.2472 of 2020 for the offences under Sections 302 and 201 of IPC, in which the said Shankar of Kancheepuram had allegedly used the vehicle JCB for digging a pit to bury the body of the deceased. The said Shankar filed a return of property application through Saravanan before the Judicial Magistrate No.II, by impersonating the original owner Saravanan and took possession of the

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JCB. Thereafter, with the help of A7 Saravanan and A6 Prabhakaran, the Shankar sold this JCB to A5 Manogaran of Erode. Subsequently, A5 Manoharan handed over the JCB to A4, a financier for sale. Then A4 Thiyagarajan convinced A1 Saravanan to buy the JCB and he also obtained loan of Rs.16,26,700/- from the Cholamandalam Finance Company to buy the said JCB and loan amount was also credited to the account of A4. Already this Court dismissed the earlier anticipatory bail application and hence strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that the 1st petitioner only purchased the property for a valuable consideration without knowing the fact that the said vehicle was involved in a murder case and already A7 impersonated the original owner of the vehicle and took possession of the vehicle and sold the same to one Manogaran and in turn, the said Manogaran sold the property to this 1st petitioner through A4 and thereafter, he obtained loan and there is no previous case as against these petitioners, the 2nd petitioner is no way connected with the above said

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purchase of JCB vehicle, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **District Munsif-cum-Judicial Magistrate, Ranipet o**n condition that the petitioners shall each execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners **shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter as and when required by the respondent police for interrogation.**

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

04.12.2024

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P.DHANABAL,J

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To

1.The District Munsif-cum-Judicial Magistrate, Ranipet
2. The Public Prosecutor, High Court, Madras.
3.The Inspector of Police, Ranipet Police Station, Ranipet District.

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