WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL MP NO. 16739 of 2024

in Crl.O.P.No.14050 of 2023

R.Sivakumar
S/o. S.Rajkumar, 3/583, Poomalai Street,
Paraniputhur, Kancheepuram, Tamilnadu -
600 122.

Appellant(s)

Vs

State Rep.By
The Inspector Of Police (Crime),

R-9, Valasaravakkam,

T.Nagar Police Station, Chennai - 600087.

Cr.No.03 Of 2023. and 5 Others

Respondent(s)

For Appellant(s):

K.S.Shankar Chakrapani
B. Mughundhan
S.Saravana Rajan
M. Bharathidasan

For Respondent(s):

Mr.S.Santhosh
Government Advocate (Crl.Side)
Mr.R.John Sathyan for R2 to R6
Senior Advocate

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

The present petition has been filed seeking to cancel the anticipatory bail granted by this Court to respondents 2 to 6/accused in Crime No.3/2023, vide order dated 28.06.2023 in Crl.O.P.No.14050 of 2023.

2. Crux of the case is as under:-

i) The petitioner, who claims to be the owner of a two wheeler "Yamaha FZ25" bearing Registration No.TN-12-AD-4051 having purchased the same by availing a vehicle loan from IDFC First Bank, repaid the loan amount in full and got the loan account closed, had lodged a complaint on 3.3.2021 under C.S.R.No.105 of 2021 for missing of his vehicle parked in front of Angela Studios, Alwarthirunagar, Valasaravakkam, Chennai, which was, later, registered in Crime No.03 of 2023.

ii) The petitioner is said to have raised queries with the Bank as to whether they had repossessed the vehicle even by any misidentity, however, the bank officials are said to have denied the same.

iii) Pending investigation of the complaint, the petitioner herein had received an e-Challan from the Traffic Police, Kancheepuram for some traffic violation involving his two wheeler.

iv) On enquiry, it came to light that the rider of the two wheeler,

https://www.mhc.tn.gov.in/judis

WEB COPY

who was also possessing the original R.C.Book for the vehicle, had purchased the vehicle from another person through OLX, who claimed to have purchased it in auction conducted by IDFC First Bank.

v) When the petitioner had approached the bank once again, he was apprised by the bank officials that his vehicle was repossessed due to a system error. Aggrieved by the same, the petitioner had moved the Reserve Bank of India Ombudsman which had passed an order on 1.4.2022 observing that the Bank had assured to pay a compensation of Rs.94,000/- and to restore the vehicle by effecting service from an authorised service centre.

vi) Whileso, contending that the petitioner had been called to a place near Tambaram to collect the compensation amount, where, he was verbally abused and threatened with dire consequences to withdraw the complaint, the petitioner had pursued his complaint.

vii) When respondents 2 to 6 herein had approached this court in Crl.O.P.No.14050 of 2023, this court had granted anticipatory bail to them.

viii) Contending that there is suppression of facts on the part of respondents 2 to 6 herein in obtaining anticipatory bail and since there is every possibility of their absconding and cheating more people, the anticipatory bail granted to them needs to be cancelled at the earliest,

https://www.mhc.tn.gov.in/judis

WEB COPY

the present petition has been filed by the de facto complainant.

3. Learned counsel for the petitioner would submit that during the course of hearing of the Anticipatory Bail application, respondents 2 to 6 herein had given false information before this Court stating that the vehicle was repossessed on account of mistaken identity whereas the ground reality is that when the de facto complainant had approached the respondents on several occasion, they failed to inform about the repossession of the vehicle and made him to run from pillar to post and they had also misled the prosecution by providing false information and suppressing the documents regarding loan transaction during the investigation. He would further submit that, in order to prevent the accused from cheating more people, the anticipatory bail granted to the respondents has to be cancelled.

4. Learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint given by the the defacto complainant a case has been registered in Crime No.3 of 2023 against respondents 2 to 6 herein/accused and they had been complying with the conditions imposed on them.

5. Mr.John Sathyan, learned Senior Counsel appearing for

https://www.mhc.tn.gov.in/judis

WEB COPY

respondents 2 to 6 herein would submit that the 2nd respondent/Sathish Kumar had passed away and in compliance of the condition imposed by this Court in Crl.O.P.No.14050 of 2023, the accused had appeared for enquiry before the respondent Police. He further submitted that respondents 2 to 6 had not suppressed any facts during the course of hearing of the Anticipatory Bail application and they had also complied with the conditions imposed by this Court.

6. It is the case of respondents 2 to 6 that the two wheeler of the de facto complainant was repossessed by mistake of identity whereas, it is the case of the de facto complainant that they had not only misled him when he had raised queries immediately after the vehicle was found missing, but also, they had misled the court and thereby indulged into cheating and further, they had threatened the petitioner with dire consequences and therefore, their custody is very much essential to prevent them from tampering with the evidence and indulging into more cheating activities.

7. This Court, while granting anticipatory bail had imposed certain conditions. It is reported that they had been complying with the conditions imposed by this court. It is further seen from the

https://www.mhc.tn.gov.in/judis

WEB COPY

materials available on record that respondents 2 to 6 had filed application to quash the FIR and this Court had dismissed the quash petition, however directed the respondent Police to complete the investigation and file final report within a period of three months. In due compliance of such order, the respondent Police has completed the investigation and filed the final report before Judicial Magistrate I, Poonamallee on 04.01.2025 and the same is yet to be taken on file.

8. In view of the subsequent development in the case and also considering the entire materials available on record, this Court finds that the petitioner has not made out any ground for cancellation of anticipatory bail granted by this court to respondents 2 to 6 herein. Accordingly, this petition is dismissed.

06-01-2025

msv/ssk.

To

The Inspector Of Police (crime),
State, R-9, Valasaravakkam, T.Nagar Police Station,
Chennai - 600087. Cr.No.03 Of 2023.

https://www.mhc.tn.gov.in/judis

WEB COPY

CRL MP No.16739 of 2024

A.D.JAGADISH CHANDIRA,J.

msv/ssk.

CRL MP NO. 16739 of 2024
in Crl.O.P.No.14050 of 2023

06-01-2025

https://www.mhc.tn.gov.in/judis