

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.8945 of 2014

The State rep. by  
The Inspector of Police,  
Tirumullaivoyal Police Station,  
Chennai City. .... Petitioner

Vs

V.S.J.Dinakaran .... Respondent

Criminal Original Petition filed under Section 439(2)  
Cr.P.C. to cancel the bail granted to the respondent / accused by the  
learned Principal Sessions Judge, Tiruvallur District in  
Crl.M.P.No.1287 of 2014 dated 27.3.2014.

For Petitioner : Mr.S.Shanmugha Velayatham,  
Public Prosecutor.

ORDER

The present criminal original petition has been filed by  
the petitioner to cancel the bail granted to the respondent / accused  
by the learned Principal Sessions Judge, Tiruvallur District in  
Crl.M.P.No.1287 of 2014 dated 27.3.2014.

2. The respondent is accused No.1 in Crime No.253 of 2014  
for the offence under Sections 341, 147, 427, 448 and 506(i) I.P.C.,  
altered into one under Sections 147, 420, 448, 341, 427, 506(i)  
I.P.C. r/w Section 3 of TNPP (D & L) Act and Section 4 of Tamil Nadu  
Prohibition of Charging Exorbitant Interest Act, 2003 on the file of  
the petitioner herein.

3. It is the case of the prosecution that on 16.3.2014, the  
de facto complainant- Palanisamy lodged a complaint stating that he  
is the Managing Director of Galaxy Amaze System Limited having office  
at Ambattur. In order to meet out his financial needs, he borrowed a  
sum of Rs.65,00,000/- from the respondent herein, who is the owner of  
JD Group. Thereafter, he executed a mortgage deed and a deed of  
power of attorney in favour of A.2 and A.3 respectively, who are the  
benamies of the respondent. The respondent had assured him to give a  
sum of Rs.1,00,00,000/- as loan amount with interest at the rate of  
24% per annum. But, the respondent had given him only a sum of

Rs.65,00,000/- that too, after taking a sum of Rs.3,00,000/- for A.2 as commission and further deducting a sum of Rs.5,00,000/- as the first instalment. Thus, the de facto complainant had received only a sum of Rs.57,00,000/- from the respondent. Thereafter, the de facto complainant had returned a sum of Rs.72,00,000/- in a span of six months and asked the respondent to return the deeds given in favour of A.2 and A.3. But, the respondent and his henchmen threatened and intimidated him to pay more amount. Further, when the de facto complainant went to T.Nagar to his relative's house, the respondent along with A.2 to A.4 and others had come to his house and intimidated his watchman, trespassed into his house, damaged the floor of the portico and erected a long wall to the height of 3 feet using bricks and escaped from the spot. Hence, the present complaint and based on the said complaint, a case was registered in Crime No.253 of 2014 for the offence under Sections 341, 147, 427, 448 and 506(i) I.P.C., which was altered into one under Sections 147, 420, 448, 341, 427, 506(i) I.P.C. r/w Section 3 of TNPP (D & L) Act and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. Thereafter, the respondent filed an anticipatory bail petition before this Court in CrI.O.P.No.6855 of 2014 and the same was dismissed by this Court by order dated 21.3.2014. Subsequently, the respondent was arrested on 22.3.2014 at 7.30 hours and produced before the Judicial Magistrate Court, Ambattur and remanded to judicial custody. Later, the respondent filed a bail petition before the learned Principal Sessions Judge at Thiruvallur District in CrI.M.P.No.1287 of 2014 and the learned Principal Sessions Judge, by order dated 27.3.2014 granted bail to the respondent. Now, the present petition has been filed by the petitioner for cancellation of the bail granted by the learned Principal Sessions Judge, Thiruvallur District on the following grounds viz.,

(i) The learned Principal Sessions Judge, Tiruvallur has failed to note the affidavit dated 27.3.2014 filed by the petitioner before the Judicial Magistrate Court, Ambattur, Chennai praying for the custodial interrogation of the respondent.

(ii) The investigation is in preliminary stage and hence, allowing the respondent on bail would cause tampering of witnesses and the relevant records connected to the case by the accused.

(iii) There are many witnesses to be examined and records connected to the case to be collected.

(iv) The vehicles (Cars and Bikes) used by the accused in committing the crime are to be seized.

(v) As the respondent is the prime accused in this case, custodial interrogation is essential to unearth many facts and circumstances connected to the case.

4. I have heard the submissions made by the learned Public Prosecutor and perused the entire materials available on record.

5. Though the present petition has been filed to cancel the bail granted to the respondent on the above said grounds, during the course of arguments, learned Public Prosecutor has fairly submitted that the investigation in this case is almost completed. Since the investigation in this case is almost completed, I am of the opinion, absolutely, there is no need to cancel the bail granted to the respondent at this juncture. Further, almost 1-1/2 years have lapsed from the date of granting bail. Therefore, I do not find any valid ground to cancel the bail already granted to the respondent.

6. In fine, the criminal original petition is dismissed.

sbi

s/d-  
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Principal Sessions Judge,  
Tiruvallur District.
2. The Inspector of Police,  
Tirumullaivoyal Police Station,  
Chennai City.
3. The Public Prosecutor,  
High Court, Chennai.

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Cr1.O.P.No.8945 of 2014

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