

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.11.2015

Coram

The Honourable Mr. Justice A.SELVAM

Crl. R.C.No.1161 of 2015

Bharat Kumar Jain

.. Petitioner

vs.

State by
The Inspector of Police
CBI/EOW
Chennai

.. Respondent

Criminal Revision filed under Sections 397 and 401 of Criminal Procedure Code to call for the records pertaining to the order dated 26.10.2015 made in Crl.M.P.No.6464 of 2015 in Crl.M.P.No.2589 of 2011, Principal Sessions Judge, Chennai, in RC2/E/2011/CBI/EOW/Chennai on the file of the respondent police, Chennai and set aside the same.

For petitioner : Mr.B.Kumar, Senior Counsel
for Mr.V.Sanjeevi

For respondent : Mr.K.Srinivasan,
Spl.Public Prosecutor

O R D E R

This Criminal Revision Case has been directed against the order dated 26.10.2015 passed in Crl.M.P.No.6464 of 2015 in Crl.M.P.No.2589 of 2011 in RC2/E/2011/CBI/EOW/Chennai.

2. The respondent herein, as petitioner, has filed Crl.M.P.No.6464 of 2015 on the file of the Sessions Court, Chennai, wherein it is prayed to cancel the bail granted in favour of the revision petitioner as per order passed in Crl.M.P.No.2589 of 2011. The court below has allowed the same. Against the order passed by the Court below, present Criminal Revision Case has been filed.

3. It is averred in the petition that the revision petitioner has been granted bail as per order passed in Crl.M.P.No.2589 of 2011 subject to certain conditions and since he attempted to go abroad, subsequently he has been stopped, he flouted the condition imposed against him. Under the said circumstances, the petition in Crl.M.P.No.6464 of 2015 has been filed for getting the relief sought therein.

4. As adverted to earlier, the court below has allowed the petition.

5. The learned senior counsel appearing for the revision petitioner has contended that as per order passed in Crl.M.P.No.2589 of 2011, the revision petitioner has been granted bail subject to certain conditions and one of the conditions is that he should surrender his Passport and accordingly he surrendered the same and subsequently he received it and without informing to the court, he attempted to travel to a foreign country, but he has been stopped and further in RC2/E/2011/CBI/EOW/Chennai, most of the witnesses have been examined. Under such circumstances, the order passed in Crl.M.P.No.6464 of 2015 is liable to be set aside.

6. Per contra, the learned Special Public Prosecutor appearing for the respondent has contended that since the revision petitioner has flouted one of the conditions mentioned in the order passed in Crl.M.P.No.2589 of 2011, the Court below has rightly cancelled the bail granted in favour of him and therefore the order passed by the Court below need not be set aside.

7. It is seen from the order passed in Crl.M.P.No.2589 of 2011, the revision petitioner has been granted bail subject to various conditions and one of the conditions is that he should surrender his Passport and accordingly he has surrendered the same and subsequently he received it and attempted to travel to a foreign country, but he has been stopped. Only on that basis, the bail granted in favour of the revision petitioner as per order passed in Crl.M.P.No.2589 of 2011 has been cancelled. Considering the stage of the case and also considering that most of the witnesses have been examined, this Court is of the view to set aside the cancellation order passed in Crl.M.P.No.6464 of 2015 subject to following conditions:

In fine, this Criminal Revision Case is allowed. The order passed in Crl.M.P.No.6464 of 2015 dated 26.10.2015 by the court

below is set aside and the order passed in CrI.M.P.No.2589 of 2011 is restored. However, the revision petitioner is directed to surrender his Passport to the custody of the court below.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

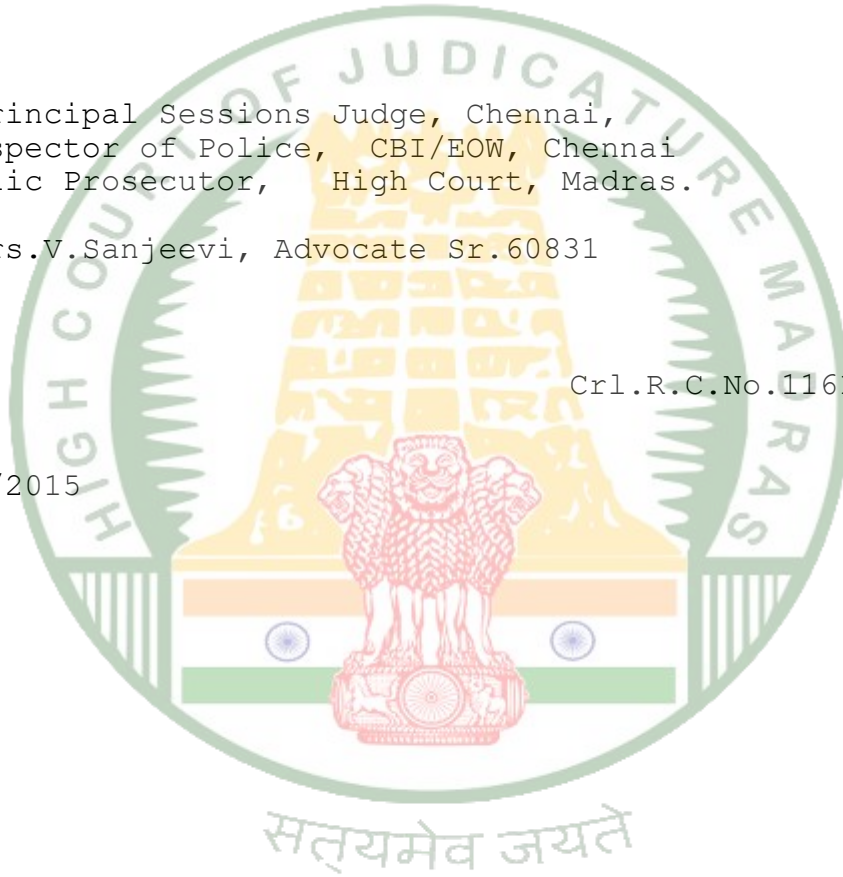
To

1. The Principal Sessions Judge, Chennai,
2. The Inspector of Police, CBI/EOW, Chennai
3. The Public Prosecutor, High Court, Madras.

+2cc to Mrs.V.Sanjeevi, Advocate Sr.60831

CrI.R.C.No.1161 of 2015

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srg 19/11/2015



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