

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Crl.O.P.No.17302 of 2015

S. Sivaraj

... Petitioner

vs.

1. Dr. Udayan Felix
2. State, represented by
Inspector of Police,
C.C.B-II Chennai,
Vepery, Chennai -7

... Respondents

Criminal Original Petition filed under Section 439(2) of Cr.P.C., praying to cancel the bail order passed in C.M.P.No.657 of 2015 in C.C.B. Cr.No.09 of 2015 dated 25.2.2015 by the XI Metropolitan Magistrate, Saidapet, Chennai, in favour of the first respondent in view of the events took place subsequent to the grant of bail in favour of the first respondent.

For Petitioner : Mr.T.C.S.Raja Chockalingam

For Respondents : Mr. A.Natarajan, Sr.Counsel
for Mr.S.Joel (R1)

Mr.K. Prabakar
Govt. Advocate (Crl.side)(R2)

ORDER

This petition is filed seeking to cancel the bail order passed in C.M.P.No.657 of 2015 in C.C.B. Cr.No.09 of 2015 dated 25.2.2015 by the XI Metropolitan Magistrate, Saidapet, Chennai, in favour of the first respondent.

2. The case of the petitioner is that the first respondent along with another accused, on the promise of getting M.S.Orthopedics seat in Balaji Medical College, Chrompet, Chennai, received a sum of Rs.1,80,00,000/- from the petitioner. But, thereafter, they neither obtained the seat, nor returned the money to the petitioner. Hence, on the complaint lodged by the petitioner, a case has been registered in Crime No.09 of 2015 on 10.1.2015 and on the basis of the complaint, the first respondent was arrested on 20.2.2015. Thereafter, the 1st respondent moved a bail application in C.M.P.No.657 of 2015 on 25.2.2015, and as he made a payment of Rs.25,00,000/- and also made an undertaking that he will repay the remaining amount of Rs.1,55,00,000/- in a short span of time, he was released on bail on 25.2.2015 by the XI Metropolitan Magistrate , Saidapet, Chennai on condition that the 1st respondent shall execute a bond for Rs.50,00,000/- with two sureties for a likesum and he should report before the respondent police daily at 10.30 a.m. until further orders. Further, on a relaxation petition moved by the 1st respondent before the court below, has relaxed the condition imposed on the 1st respondent to the effect that he shall report before the respondent police once in a week at 10.30 a.m., until further orders.

3. Thereafter, whenever the petitioner approached the first respondent to repay the amount, he evaded payment. The first respondent also threatened the petitioner with dire consequences to withdraw the

criminal complaint preferred by him. Hence, the petitioner has come forward with the present petition to cancel the bail granted to the first respondent in C.M.P.No.657 of 2015 on 25.2.2015.

4. On earlier occasion, when the matter came up for hearing, on 29.1.2016, this Court directed the first respondent to deposit a sum of Rs.10,00,000/- to the credit of the case within three weeks from the date of receipt of a copy of this order. But the petitioner has not complied with this condition also.

5. When the matter came up on last occasion, as the order dated 29.1.2016 was not complied with, this Court allowed the cancellation of bail petition. Before I signed the order, it was mentioned that the 1st respondent is taking steps to pay Rs.10,00,000/- ordered by this Court and that the matter could be listed today and in case, the amount is not paid, the cancellation of bail order passed by this court may be confirmed.

6. When the matter is taken up today, the learned counsel for the 1st respondent has handed over a Demand Draft bearing D.D.No.506010, dated 10.6.2016 for Rs.10,00,000/- (Rupees ten lakhs only), drawn on ICICI Bank, T.Nagar Branch in favour of S.Sivaraj, the petitioner herein to the learned counsel for the petitioner. In view of the same, as the earlier order dated

S.VAIDYANATHAN,J.

msr

29.1.2016 has been complied with by the 1st respondent, this petition for cancellation of bail stands closed.

14.06.2016

Index:Yes/No

Internet:Yes/No

msr

To

1. The XI Metropolitan Magistrate, Saidapet.
2. The Public Prosecutor,
High Court, Madras.

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