

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Crl.O.P.Nos.22646 and 27515 of 2015

The State Represented by the Inspector of Police
K-4, Anna Nagar Police Station (Crime)
Chennai .. Petitioner/complainant
in Crl.OP.No.22646 of 2015
.. Respondent/complainant
in Crl.OP.No.27515 of 2015

Dr.Chandrasekar .. Petitioner/complainant
in Crl.OP.No.27515 of 2015

vs

U.Lavanya ... Respondent/ accused in both
petitions

Prayer:

Crl. OP.No.22646 of 2015 filed under Section 482 of the
Code of Criminal Procedure Code, to cancel the anticipatory bail
granted to the respondent / accused (A-1) passed by the Court of
Sessions, Chennai in Crl.MP.No.9937 of 2015 dated 08.7.2015.

Crl. OP.No.27515 of 2015 filed under Section 482 of the
Code of Criminal Procedure Code, to cancel the order of
anticipatory bail in Crl.MP.No.9937 of 2015 on the file of the
3rd Additional Sessions Judge at Chennai in pursuance of the
Crime No.Not known of 2015 on the file of the 1st respondent.

For Petitioner :Mr. Mohamed Riyaz
in Crl.OP.No.22646/15
and for R2 in
Crl.OP.No.27515/15

For petitioner in
Crl.OP.No.27515 of 2015 :Mr.D.Veerasekaran

For sole respondent in Crl.OP.No
22646 of 2015 and for R1
in Crl.OP.No.27515 of 2015 : Mr. R. Sivaraman

C O M M O N O R D E R

Both the Prosecution as well as the defacto complainant has filed the above petitions seeking to cancel the anticipatory bail granted to the respondent/accused by the III Additional Sessions Judge, Chennai in CrI.MP.No.9937 of 2015 on the ground that the accused has suppressed the fact while obtaining anticipatory bail.

2. Heard the learned Government Advocate appearing for the petitioner in CrI.OP.No.22646 of 2015, the learned counsel for the petitioner/defacto complainant in CrI.OP.No.27515 of 2015 and the learned counsel for the respondent/ accused in both petitions.

3. The learned Government Advocate (Criminal side) appearing for the petitioner in CrI.OP.No.22646 of 2015 as well as the learned counsel for the petitioner /defacto complainant in CrI.OP.No.27515 of 2015 submitted that the respondent / accused, while obtaining anticipatory bail, has given wrong information to the Court below as if the complaint has been given for misappropriation of only Rs.6,12,000/- whereas it is Rs.41,00,000/-.

4. Now, it is brought to the notice of this Court by the learned Government Advocate and the learned counsel for the petitioner / defacto complainant in CrI.OP.No.27515 of 2015 that the information given by the accused is wrong and the actual amount involved in this case is Rs.41,00,000/-. It is also brought to the knowledge of this Court that no amount has been recovered or paid by the petitioner so far but the learned City Public prosecutor, who appeared before the Court below, wrongly stated to the Court that the amount involved in this case has been recovered. According to the learned Government Advocate as well as the defacto complainant, the respondent / accused has cheated the Court.

5. When these matters came up for hearing on 19.01.2016 and 28.01.2016, the learned counsel for the respondent/ accused has given an undertaking that the respondent/ accused is willing to deposit some amount. In view of the said undertaking given by the learned counsel for the respondent/ accused, this Court adjourned the matter. However, till date, the same has not been complied with by the petitioner.

6. Today, when the matters are taken up, the learned counsel for the respondent / accused would contend that the respondent/ accused took every effort to deposit the money, but due to financial crisis, she could not deposit the same. The learned counsel further submitted that the respondent/accused now undertakes to deposit a sum of Rs.10,00,000/- (Rupees ten lakhs

only) and hence, as a last chance, two weeks time may be granted to the respondent / accused to deposit the same.

7. Though the respondent/accused obtained anticipatory bail on the ground that the alleged misappropriated amount has already been paid by her, now it has come to light that no single Rupee has been paid by her. Admittedly, the respondent/accused has suppressed the fact and she misused and abused the court process. Further, the City Public Prosecutor, who appeared before the lower Court, has also given wrong information as if the entire amount involved in this case has been recovered. Now, the learned Government Advocate appearing on behalf of the petitioner / Investigating agency in CrI.OP.No.22646 of 2015, on instruction from the investigating officer, who is present in Court today, has submitted that, no such amount has been recovered and the total amount involved in this case is Rs.41,00,000/-. (Rupees Forty one lakh only)

8. Considering the facts and circumstances of the case and recording the undertaking given today by the learned counsel for the respondent/ accused before this Court, two weeks time from the date of receipt of a copy of this order is granted to the petitioner, as a last chance, to deposit the amount of Rs.10,00,000/-. It is made clear that if the respondent / accused fails to deposit the said amount of Rs.10,00,000/- from the date of receipt of a copy of this order, the petitions seeking cancellation of anticipatory bail will be allowed automatically, without any reference to the Court and the investigating officer concerned is at liberty to arrest the accused.

With the above observation, the petitions are ordered.

ga

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. III Additional Sessions Judge, Chennai
2. The State Represented by the Inspector of Police
K-4, Anna Nagar Police Station (Crime), Chennai

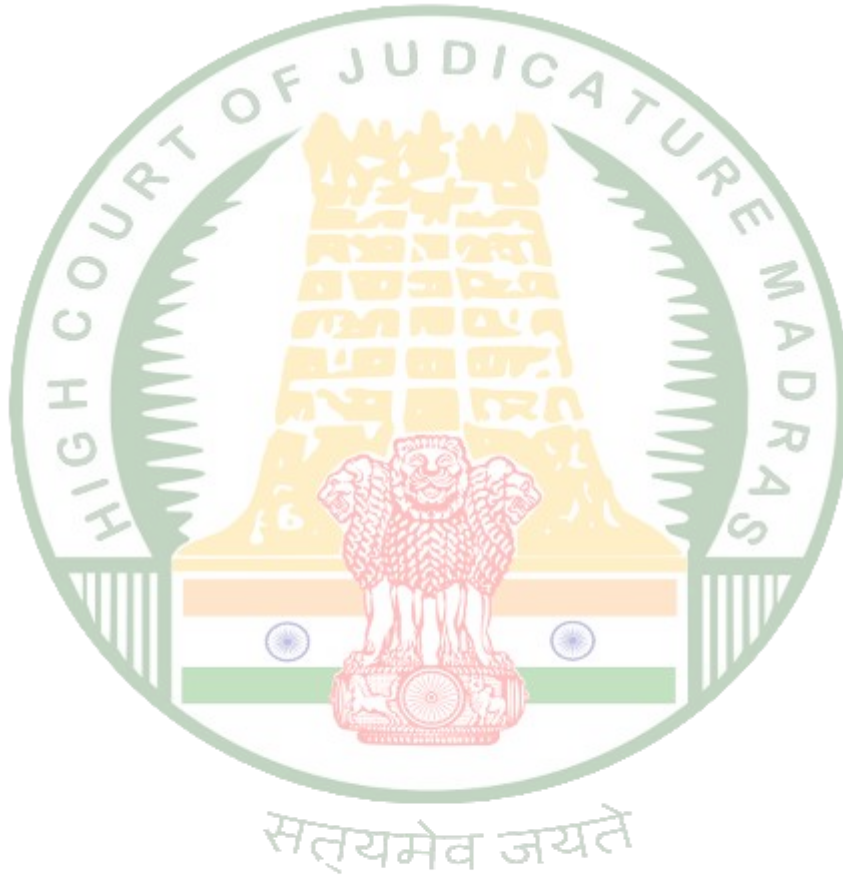
3. The public Prosecutor, High Court, Madras.

+ 1 cc to Mr.D.Veerasekaran, Advocate SR 5770

+ 1 cc to Mr.R.Sivaraman, Advocate SR 6052

ca(co)
prk2/2

Cr1.OP.No.22646 and 27515 of 2015



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