

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1085 of 2016

E.Karthikeyan

.. Petitioner/ Respondent/ Petitioner

vs.

1.State by
The Station House Officer
Nallanpillaipetral Police Station
Villupuram District
Cr.No.44/16

2.Rajshree Sugars and Chemicals Ltd
rep by its Administrative Manager
Mr.P.Perumal,
No.7, 3rd street, ganapathy colony
Teynampet,
Chennai-18
2nd respondent impleaded as
per order of this Court dated 21.10.2016
in Crl.M.P.No.11031/16
in Crl.r.C.No.1085/16

.. Respondents/ Petitioners/
Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order passed by the learned Principal District and
Sessions Judge, Villupuram in Crl.M.P.No.3301 of 2016 on
16.08.2016 cancelling the bail granted by the learned Judicial
Magistrate, Gingee in Crl.M.P.No.1646 of 2016 on 26.04.2016.

For Petitioner : Mr.J.Agni Selvaraju

For Respondents : Mr.K.Madhan
Government Advocate (Crl.side) for R1
Mr.S.V.Pravin Rathinam for R2

O R D E R

This revision challenges the order passed in Crl.M.P.No.3301 of 2016 on 16.08.2016 by the learned Principal District and Sessions Judge, Villupuram, cancelling the bail granted by the learned Judicial Magistrate, Gingee in Crl.M.P.No.1646 of 2016 on 26.04.2016.

2. Petitioner is an accused in case registered for offences u/s. 465,468,471,478 and 109 IPC in Crime No. 44/2016 on the file of respondent. Petitioner had been arrested and was released on bail under orders of the Judicial Magistrate, Gingee passed in C.M.P.No.1646/2016 on 26.04.2016. The respondent has sought cancellation of bail so granted, by moving the Principal District and Sessions Judge, Villupuram in Crl.M.P.No.3301/2016. Learned Principal District and Sessions Judge, Villupuram, was pleased to cancel the bail granted in favour of the petitioner under orders dated 16.08.2016. This revision challenges such order.

3. Learned counsel for petitioner submits that the petitioner is still at large and a most erroneous order stands passed by the learned Principal District and Sessions Judge, Villupuram.

4. Heard the learned counsel for petitioner and the learned Government Advocate (Crl.side).

5. A perusal of the order under challenge reveals that the Court below in deciding cancellation of the bail granted in favour of petitioner was swayed by the accusation of the complainant, Rajasree Sugar Factory represented by its Administrative Manager Mr.P.Perumal, that a sum of Rs.78,00,000/- lakhs had been swindled by petitioner and ten others, that the other accused were absconding and the amount usurped had not been recovered. Court below has observed that the learned Judicial Magistrate without considering the exorbitant amount swindled by the accused in this case, released the accused/petitioner within 6 days and also that application for bail in this case was already dismissed by the Hon'ble High Court of Madras.

6. Considerations for grant of bail and cancellation thereof are quite different. An order of bail once made cannot be cancelled merely because an Appellate Court was of the view that the case was one where bail ought not to have been granted. Such being the fallacy in the present order under challenge, the same shall stand set aside.

Accordingly, this revision is allowed the order of the trial Court passed in Crl.M.P.No.1646 of 2016 on 26.04.2016 by the learned Judicial Magistrate, Gingee is confirmed and the order of the Appellate Court passed in Crl.M.P.No.3301 of 2016 on 16.08.2016 by the learned Principal District and Sessions Judge, Villupuram is set aside.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Principal District and Sessions Judge,
Villupuram

2.The Judicial Magistrate, Gingee

3.The Station House Officer
Nallanpillaipetral Police Station
Villupuram District

4.The Public Prosecutor,
High Court, Chennai.

1 cc to Mr.J. Agni Selvaraj, Advocate, Sr. 68671

1 cc to Mr.S.V. Pravin Rathinam, Advocate, Sr. 69441

Crl.R.C.No.1085 of 2016

PK (CO)
kk 23/12

सत्यमेव जयते

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