

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 31.07.2017**

Coram:

THE HON'BLE MR.JUSTICE P.N.PRAKASH**Crl.O.P.No.25118 of 2015**

M/s.GREAVES COTTON LIMITED

Represented by its

General Manager-Procurement and Logistics

Mr.Vinay Kumar Acharya

S/o. B.V.Acharya

Aged about 45 years,

Having manufacturing Unit at

F-62, F-63 Sipcot Industrial Complex,

Gummidipoondi, 601 201.

... Petitioner

Vs.

1. State Rep. by

The Inspector of Police,

District Crime Branch Police Station,

Thiruvallur District

(Crime No.17 of 2015)

2.Thiagarajan

3.Anbu@ Anbalagan

4.M.K.Bhatia

5.Nayant Savani

6.Hansat Savani

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to cancel the anticipatory bail granted by the learned District Sessions Judge, Thiruvallur in favour of the Respondents 2 to 6/Accused 2 to 6 in CrI.M.P.No.2534 of 2015 dated 16.09.2015 in connection with Crime NO.17 of 2015 on the file of District Crime Branch, Thiruvallur.

For Petitioner : Mr.C. Emalias
Additional Public Prosecutor
For Respondent : Mr.Arun Natarajan (R1 to R6)

ORDER

This Criminal Original Petition has been filed to cancel the anticipatory bail granted by the learned District Sessions Judge, Thiruvallur in favour of the Respondents 2 to 6/Accused 2 to 6 in CrI.M.P.No.2534 of 2015 dated 16.09.2015 in connection with Crime NO.17 of 2015 on the file of District Crime Branch, Thiruvallur.

सत्यमेव जयते

2. On the complaint lodged by the petitioner/de-facto complainant, the respondent police registered a case in Crime No.17 of 2015 on 11.08.2015, for alleged offences 406 and 420 I.P.C. against

one Vivekanandan and five others. It is the case of the de-facto complainant that they had entrusted their goods for transporting to Savani Transports private Limited and that the accused who are the officials of Savani Transports Private Limited are illegally retaining the goods. One Vivekanandan, Zonal Manager of Savani Transports Private Limited was released on bail. Whiles, the respondents 2 to 6 herein filed CrI.M.P.No.2534 of 2015, before the Principal District and Sessions Judge, Thiruvallur seeking anticipatory bail, in which the learned single Judge granted anticipatory bail on 16.09.2015. The de-facto complainant has filed this petition for cancellation of anticipatory bail, on the ground that the Sessions Judge had made certain remarks to the fact that the transaction is purely civil in nature, which would affect the case of the petitioner.

2. Heard both sides.

3. It is a trite law that the parameters for grant of anticipatory bail are different from the cancellation of anticipatory bail that has been granted by the competent Court. In this case, the competency of

the Sessions Court is not in dispute.

4. The learned Additional Public Prosecutor would submit that A1 has already been arrested and released on bail and investigation in Crime No.17 of 2015 was completed and charge sheet has also been filed in C.C.No.90 of 2017, before the Judicial Magistrate Court, Ponneri, challenging which the accused filed CrI.O.P.No.27139 of 2016 for quashing the charge sheet and this Court has also granted an order of interim stay of further proceedings in C.C.No.90 of 2017.

5. Under such circumstances, this Court is of the view that this is not a fit case to cancel the anticipatory bail that has been granted to the accused. Hence, this petition is dismissed. However, it is made clear that whatever the observation made by the learned Sessions Judge, in CrI.M.P.No.2534 of 2015 with regard to the merits of the case shall not enure to the advantage of other side and the trial Court shall proceed the case, on merits, without being influenced by any observation made in the anticipatory bail order.

31.07.2017

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To

1. The District Sessions Judge, Thiruvallur.
2. The Additional Public Prosecutor
High Court, Madras



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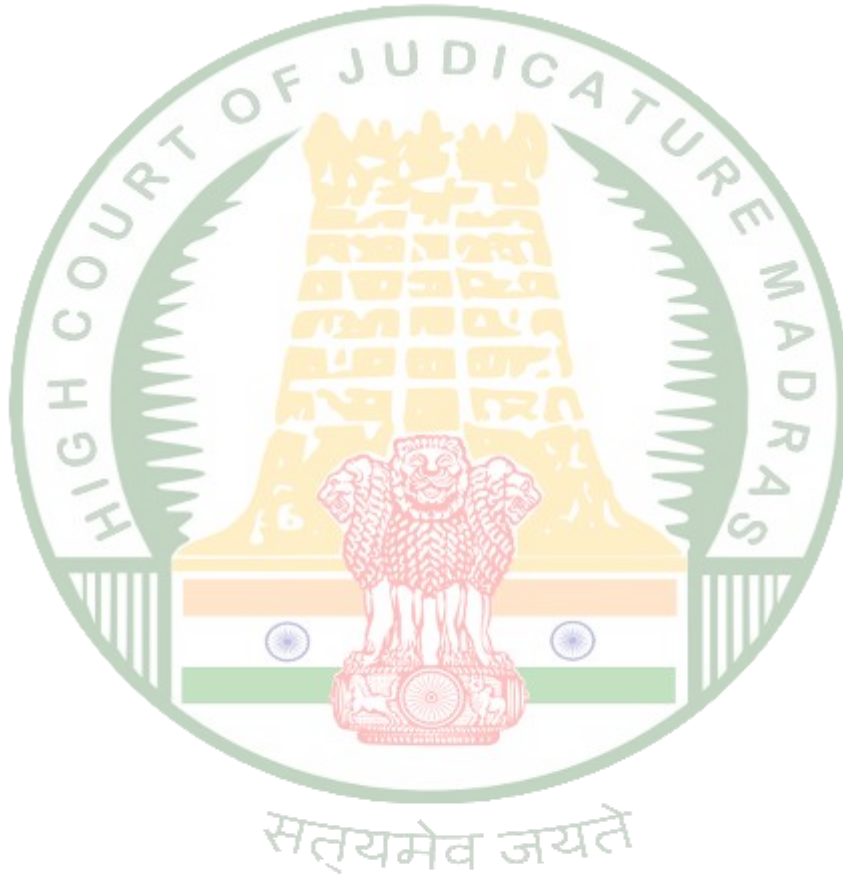
P.N.PRAKASH, J

arr



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