

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of October Two Thousand Seventeen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.912 of 2017

IN CRL A.144/2016

STATE REP. BY,
INSPECTOR OF POLICE,
CBI, SPE/SCB, CHENNAI.

[COMPLAINANT]

Vs

ROBIN MAYNE, AGED 71 YEARS,
S/O.FREDRICK,
NO.500, 1ST CROSS STREET,
2ND GATE, V.S.MANI NAGAR,
MADHAVARAM, RED HILLS HIGH ROAD,
MADHAVARAM, CHENNAI-600 060.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the Appeal Bail granted to the accused Shri Robin Mayne (A-1) in Crl.M.P.No.1984 of 2016 in Crl.A.144 of 2016 and issue NBW against him for his apprehension/arrest.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of MR.K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR FOR CBI CASES, for the petitioner and of Mr.S.ASHOK KUMAR, SENIOR COUNSEL FOR MR.P.PALANINATHAN, Advocate for the Petitioner on behalf of the Respondent the court made the following order:-

This miscellaneous petition is filed by the State represented by Inspector of Police, CBI, SPE/SCB, Chennai, seeking cancellation of bail granted to the respondent/accused, since, he has failed to comply the bail conditions.

2.Perusal of the record indicates that, in C.C.No.22/1997 on the file of the learned XI Additional Sessions Judge, Special Court for Banks and Financial Institution, CBI Cases, Chennai, the trial Court found the respondent/accused guilty and has imposed the following sentence:-

"Shri Robin Mayne (A-1) was sentenced to undergo (i) 3 years rigorous imprisonment and to pay a fine of Rs.5 lakhs in default to undergo 6 months simple imprisonment for the offences under Sections 120-B r/w 419, 420, 467, 468 and 471 of

I.P.C., ; (ii) 2 years rigorous imprisonment for each count and to pay a fine of Rs.1,00,000/- for each count totally Rs.10 lakhs in default 6 months simple imprisonment for the offences under Section 419 I.P.C., (10 counts); (iii) 5 years rigorous imprisonment for each count and to pay a fine of Rs.3,00,000/- for each count totally Rs.30 lakhs in default 12 months simple imprisonment for the offence under Section 420 I.P.C., (10 counts); (iv) 7 years rigorous imprisonment for each count and to pay a fine of Rs.3,00,000/- for each count totally Rs.21 lakhs in default 12 months simple imprisonment for the offence under Section 467 I.P.C., (7 counts); (v) 5 years rigorous imprisonment for each count and to pay a fine of Rs.3,00,000/- for each count totally Rs.21 lakhs in default 12 months simple imprisonment for the offence under Section 468 I.P.C., (7 counts); (vi) 5 years rigorous imprisonment for each count and to pay a fine of Rs.3,00,000/- for each count totally Rs.21 lakhs in default 12 months simple imprisonment for the offence under Section 468 I.P.C., (7 counts). The total fine amount imposed as against Shri Robin Mayne (A.1) is Rs.1,08,00,000/- (Rupees one crore and eight lakhs only)."

3. Aggrieved by the judgment of the trial Court, the respondent/accused has preferred appeal before this Court in CrI.A.No.144 of 2016 and it has been admitted by this Court. While considering the petition filed for suspension of sentence, in CrI.M.P.No.1984 of 2016, on 21.03.2016, this Court has passed the following order:-

"11.(1) Appeal bail granted to the petitioner.

(2) His sentence of imprisonment alone is suspended.

(3) There shall be two sureties, they and the petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) each to the satisfaction of the learned XI Additional Special Sessions Judge, Chennai (CBI cases), Chennai.

(4) At the time of executing bail bond, he shall deposit Rs.10 lakhs in cash towards payment of part fine to the credit of C.C.No.22 of 1997 and furnish property security to the value of Rs.17 lakhs before the trial Court.

(5) Property security for the value of Rs.27,00,000/- shall be furnished before the trial Court within three months from today.

(6)The property documents produced shall be tested by the trial Court.

(7)Petitioner shall appear before the trial Court on the first working day of every month at 10.30 am until further orders.

(8)If he is in possession of a passport, the same shall be surrendered to the trial Court, if it is not already seized by the CBI.

(9)In default of producing the property security within the due date, the CBI or the complainant bank can move this Court for cancellation of the appeal bail."

4.Later, on the petition filed by the respondent/accused in Crl.M.P.No.4847 of 2016, on 25.04.2016, clauses 4 & 5 of the bail conditions have been modified as under:-

"(i)In para No.11(4), the words "furnish property security to the value of Rs.17 lakhs before the trial Court" shall be deleted, instead, "deposit Rs.17 lakhs before the trial Court" and in para No.11(5) after the words "Rs.27,00,000/-", the words "bank guarantee or cash for the same value" shall be added."

5.The respondent/accused has not comply with these conditions and instead, sought for further modification in Crl.M.P.No.7140 of 2016 wherein, this Court considering the submission made by the learned counsel for the respondent/accused, extended the time for complying the above conditions for two months from 04.07.2017 and also made it clear that no further extension of time will be granted. Thus, after the modification of earlier bail conditions, the respondent/accused has deposited a total sum of Rs.27 lakhs and has come out on bail but, has not furnished the property security or bank guarantee or cash for the value of Rs.27 lakhs till date.

6.Having obtained liberty in the bail petition, the respondent/accused has not comply with the conditions in full. Hence, the State has sought for cancellation of bail by way of filing the present miscellaneous petition.

7.The learned counsel for the respondent/accused submitted that due to his ill-health, the respondent/accused is not able to furnish property security or bank guarantee or cash for the value of Rs.27 lakhs as mandated by this Court, in its earlier order referred above and seeks further time.

8.Heard the learned Special Public Prosecutor for CBI Cases appearing for the State and the the learned Senior Counsel appearing

for the respondent/accused.

9.This Court, initially, granted bail to the respondent/accused on conditions as stated above on 21.03.2016, which was later modified on 25.04.2016 and the time was extended for a further period of two months from 04.07.2016. Thereafter, the respondent/accused has not comply with the bail conditions imposed by this Court, in full, but, enjoying the bail.

10.Only after the State has approached this Court with the present miscellaneous petition for cancellation of bail granted to the respondent/accused, feeble plea is taken by the respondent/accused that he is unable to comply with the bail conditions imposed by this Court due to ill-health and he request for further time.

11.While extending time on 04.07.2016, this Court has made it very clear that no further time will be granted to comply with the bail conditions. While so, the State has promptly filed the present miscellaneous petition for cancellation of bail granted to the respondent/accused since, he has not comply with the bail conditions inspite of indulgence shown by this Court by modifying the conditions and by extending time.

12.Since, the respondent/accused has not complied the conditions imposed while granting bail, the bail granted to the respondent/accused deserves to be cancelled and accordingly, bail cancelled. The appellant/State is directed to proceed further in accordance with law.

-sd/-
27/10/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XI ADDITIONAL SESSIONS
JUDGE, SPECIAL COURT FOR BANKS AND FINANCIAL
INSTITUTION, CBI CASES, CHENNAI.

2 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

3 THE SUPERINTENDENT
CENTRAL PRISON, PUZUAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
CBI SPE/SCB, CHENNAI.

+1 C.C. to MR.P.PALANINATHAN, Advocate on payment of necessary
charges-Sr.20105

Order

in
CRL MP.912/2017

in
CRL A.144/2016

Date :27/10/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
THS : 31.10.2017