

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2017

CORAM :

THE HONOURABLE JUSTICE MR. P.N. PRAKASH

Criminal Original Petition No.763 of 2016

Ganesan

... Petitioner

Vs.

1. State of Tamil Nadu Rep. by,
Sub-Inspector of Police,
District Crime Branch,
Thiruvanamalai District.

2. Ganesh,
S/o.Arumugam,
No.112, Kamatchi Amman Koil Street,
Thiruvanamalai - 606 601.

... Respondents

Prayer:- Petition filed under Section 439 (2) of Cr.P.C., to cancel the bail which was granted in Crl.M.P.No.4508/2015 dated 30.11.2015 on the file of Learned Sessions Judge, Thiruvannamalai.

For Petitioner : Mr. R.Muniyapparaj
For R1 : Mr. C.Emalias
Additional Public Prosecutor
For R2 : Mrs.Selvi George.

ORDER

This petition has been filed seeking to cancel the bail granted in Crl.M.P.No.4508 of 2015 dated 30.11.2015 by the learned Sessions Judge,

Thiruvannamalai.

2. Ganesan, the defacto complainant, filed a petition in Cr.M.P. No.7312/2015 before the learned Judicial Magistrate No.I, Thiruvannamalai and on the directions of the learned Magistrate under Section 156(3) Cr.P.C, the respondent police have registered a case in Cr.No.17/2015 on 12.11.2015 for the offence under Section 420 IPC against Arumugam and his family members and also other accused totally numbering 14, in which Ganesh (Accused) has been arraigned as A3.

3. It is the case of defacto complainant that he is into oil business and that Arumugam (A1) was also into oil business and thus, the defacto complainant was known well to Arumugam. Arumugam applied for loan with the Axis Bank, for which he needed somebody to stand as security. Ganesan (Defacto Complainant) gave his property as collateral security for the loan obtained by Arumugam. Thereafter, it came to light that Arumugam had already filed insolvency application before the Court, which he had suppressed to the Defacto Complainant at time of obtaining the loan from Axis Bank. Hence, on the complaint of Ganesan (Defacto-Complainant), the FIR has been registered as stated above.

4. Ganesh (Accused) is the son of Arumugam (A1). Ganesh (Accused) filed

CrI.M.P.No.4508/2015 before the Sessions Court, Thiruvannamalai for anticipatory

bail and the same was granted on 30.11.2015, challenging which, Ganesan (Defacto Complainant) is before this Court.

5. Heard, Mr.R.Muniyapparaj, learned counsel for Ganesan (Defacto Complainant), Mrs.Selvi George, learned counsel for Ganesh (Accused) and learned Additional Public Prosecutor appearing for the state.

6. Learned Additional Public Prosecutor submitted that Ganesh (Accused) co-operated with the police during investigation and that investigation has been completed and charge sheet is ready. However, Mr.Muniyapparaj, learned counsel for the defacto complainant submitted that there are several allegations against the family members of Arumugam, which have been suppressed by the learned Public Prosecutor before the Sessions Court.

7. This is strongly refuted by Mrs.Selvi George, learned counsel for the second respondent/accused.

8. Be that as it may, this Court does not find any serious infirmity in the anticipatory bail that was granted by the Sessions Court, warranting interference at this distant point of time. It is not the case of the petitioner, that the accused had violated the conditions of bail. That apart, the loan was obtained by

P.N.PRAKASH, J.

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Arumugam [A1] from Axis Bank and he himself has been enlarged on anticipatory bail by this Court in Crl.O.P. No.6189 of 2017 dated 13.04.2017.

9. In a case of this nature, which is borne out by records, custodial interrogation of the accused may not be necessary.

In the result, this petition is dismissed as being devoid of merits.

23.08.2017

Index by : Yes/No
Internet by : Yes/No

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To

1. Sub-Inspector of Police,
District Crime Branch,
Thiruvananthapuram District.
2. The Sessions Judge,
Sessions Court, Thiruvannamalai.
3. The Public Prosecutor
High Court, Madras.

Crl.O.P.No.763 of 2016