



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2017

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD) No.584 of 2017

S.P.Celladurai

... Petitioner/defacto complainant

-Vs-

1.The State represented by,
The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Siruganur Police Station,
Trichy,
Trichy District.

(Crime No.83 of 2016)

... Respondents/Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to secure the accused persons in the case in Crime No.83 of 2016 on the file of the second respondent police within a stipulated time.

For Petitioner	: Mr.M.Pitchai Muthu
For Respondents	: Mr.A.P.Balasubramani
	Government Advocate(Crl. Side)

O R D E R

This petition has been filed by the petitioner to direct the 2nd respondent to secure the accused persons in the case in Crime No.83 of 2016 on the file of the second respondent within a stipulated time.

2. The learned counsel appearing for the petitioner would contend that the accused persons approached the petitioner for purchase of teakwood trees and for that, they have agreed to get proper permission from the authorities and thereafter, without the consent of the petitioner, the accused persons cut and removed the teakwood trees. When the same was questioned by the petitioner, the accused persons agreed to pay the value of the trees. But, subsequently, without paying the said amount, they have cheated the petitioner and hence, based on the complaint given by the petitioner, the case in Crime No.83 of 2016 was registered on the file of the second respondent police.



3. The learned counsel appearing for the petitioner further submitted that the accused persons filed anticipatory bail petition before this Court in Crl.O.P(MD)No.2333 of 2016. This Court vide order dated 09.02.2016 granted anticipatory bail to them on condition to deposit a sum of Rs.1,50,000/- before the learned Judicial Magistrate, Lalgudi, Trichy District. Thereafter, vide order dated 02.03.2016 in Crl.M.P(MD)No.1890 of 2016, this Court reduced the said amount from Rs.1,50,000/- to Rs.1,00,000/-. But till date, the accused persons neither deposited the said amount nor surrendered before the Court below. Therefore, the petitioner has come forward with this Criminal Original Petition to secure the presence of the accused.

4. The learned Government Advocate(Crl. Side) appearing for the respondents would contend that the police are taking steps to arrest the accused persons and hence, this Criminal Original Petition is liable to be dismissed.

5. I have heard the submissions made on either side and perused the materials available on record.

6. In this case, earlier the accused persons filed Crl.O.P (MD)No.2333 of 2016. This Court vide order dated 09.02.2016 granted anticipatory bail to them on condition to deposit a sum of Rs.1,50,000/- before the learned Judicial Magistrate, Lalgudi, Trichy District. Thereafter, vide order dated 02.03.2016 passed in Crl.M.P(MD)No.1890 of 2016, this Court reduced the said amount from Rs.1,50,000/- to Rs.1,00,000/-. But, admittedly, the accused persons neither deposited the amount nor surrendered before the Court below. Hence, the prayer sought for by the petitioner has to be granted.

7. Accordingly, this Criminal Original Petition is allowed and the respondent police are directed to arrest the accused persons and proceed with the investigation in accordance with law.

Sd/-

Assistant Registrar(cs III)

/True copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police,
Trichy District.



2.The Inspector of Police,
Siruganur Police Station,
Trichy,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.S.Sivaram, Advocate Sr.No.12378
+1cc to Mr.M.Pitchai Muthu, Advocate Sr.No.12516

PM
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