



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2017

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THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD)No.245 of 2017

Singaravel

.. Petitioner/Respondent
/Petitioner

Vs.

State represented by,
The Inspector of Police,
Cantonment Crime Police Station,
Trichy City.
(Crime No.258/2016)

... Respondent/Petitioner
/Respondent

PRAYER: Criminal Revision Case is filed under Section 397 read with Section 401 of Cr.P.C., to call for the records and to set aside the order passed by the learned Principal Sessions Judge, Trichy, dated 07.02.2017 in Cr.M.P.No.2658 of 2016.

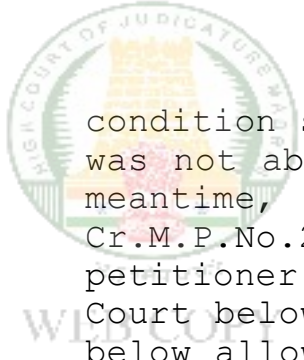
For Petitioner : Mr.T.Senthil Kumar

For Respondent : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

ORDER

Challenging the order cancelling the bail petition filed by the petitioner, the present revision has been filed.

2. The case of the prosecution is that the petitioner was working as a Manager in a bank and he was arrayed as accused No.2 in Crime No.258 of 2016, on the file of the respondent police, registered for the offence punishable under Section 120(B), 406, 417, 420 and 423 IPC. Earlier, he has filed an anticipatory bail application before the learned Principal Sessions Judge, Tiruchirappalli in Cr.M.P.No.2203 of 2016 and by order, dated 27.09.2016, anticipatory bail was granted to the petitioner with the condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders. Thereafter, the petitioner complied with the condition only for three days from 22.10.2016 to 24.10.2016 and further, he has filed a petition in Cr.M.P.No.2640 of 2016, to relax the bail condition, his health condition, the above application was dismissed by the Court below. Thereafter, he filed another application in Cr.M.P.No.2790 of 2016, to modify the bail



condition stating that he was transferred from Trichy to Salem, he was not able to appear before the respondent police daily. In the meantime, the respondent police moved an application in Cr.M.P.No.2658 of 2016, to cancel the bail on the ground that the petitioner has failed to comply with the condition imposed by the Court below and not co-operating with the investigation. The Court below allowed the cancellation petition and dismissed the petition for modification filed by the petitioner. Now, challenging the cancellation order, the present revision has been filed.

3. I have heard Mr.T.Senthil Kumar, learned counsel appearing for the petitioner and Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

4. The learned counsel for the petitioner submitted that after obtaining the anticipatory bail, he has complied the condition and thereafter due to illness, he filed an application to relax the bail condition along with the medical certificate. But the Court below dismissed the application. In the meantime, he was transferred to Salem and since he was working at Salem, he was not able to appear before the respondent police daily, he has filed another application for modification of the bail condition. In the meanwhile, the respondent police filed a petition to cancel the bail granted by the Court below. The Court below without considering the modification petition, cancelled the bail already granted.

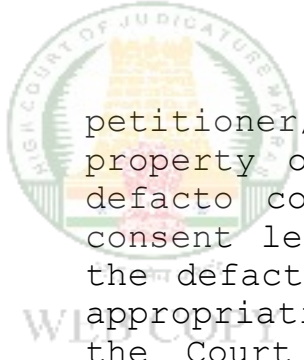
5. He further submitted that now the petitioner is 63 years old and retired from service and he is ready and willing to appear before the respondent police and to co-operate with the enquiry and only due to bonafide reason, he did not comply with the condition imposed by the Court below.

6. Per contra, the learned Additional Public Prosecutor would contend that the Court below has granted anticipatory bail with a specific condition that the petitioner shall appear before the respondent police daily and to co-operate with the enquiry. But the petitioner without appearing before the respondent police and without co-operating for the enquiry, filed an application to relax the condition. In the above circumstances, the Court below after considering the entire materials and to enable the respondent police to complete the investigation and to file final report, rightly cancelled the bail already granted. There is no illegality in the order passed by the Court below.

7. I have considered the rival submissions and the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

8. Perusal of the record in the above criminal case, the only allegation made against the petitioner was that the



petitioner/A2, returned the mortgaged original document (house property of A1) to A1 instead of handing over the same to the defacto complainant, without considering that A1 already gave a consent letter to the bank to hand over the original document to the defacto complainant. There is no serious allegation of misappropriation or cheating against him. It is admitted fact that the Court below directed the petitioner to appear before the respondent police at 10.30 a.m. daily and to co-operate with the enquiry, he has also complied the condition for three days from 22.04.2016 to 24.04.2016 and then he filed an application for relaxation on medical ground and also produced the medical certificate. But the application has been dismissed by the Court below. Thereafter the petitioner was transferred to Salem and hence he filed another application to modify the above condition to appear before the respondent police once in a week, instead of daily. Pending the said application, the respondent police filed an application to cancel the bail and the Court below allowed the application and cancelled the bail and also dismissed the modification application filed by the petitioner. Eventhough, the petitioner did not comply with the condition imposed by the Court below, the reason for his non-compliance of the bail condition is bonafide, and after the earlier petition filed for relaxation was dismissed, he filed a petition for modification and pending modification petition, his bail was cancelled. Now the petitioner undertakes that he is ready and willing to co-operate for the investigation.

9. Considering the gravity of the offence and also considering the undertaking made by the petitioner to co-operate with the investigation, I am inclined to set aside the order passed by the Court below in Cr.M.P.No.2658 of 2016 dated 07.02.2017, and the petitioner is directed to appear before the respondent police twice in a week, i.e., on every Monday and Friday at 10.30 a.m., until further orders and the petitioner is also directed to co-operate with the investigation. Since the matter is pending for more than one year, the respondent police is also directed to conduct the investigation and to file the final report within a period of six months from the date of receipt of a copy of this order.

10. With the above direction, this Criminal Revision Case is allowed.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/



To

WEB COPY

1.The Principal Sessions Judge,
Trichy.

2.The Inspector of Police,
Cantonment Crime Police Station,
Trichy City.

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

+One cc to M/s.T.Senthilkumar, Advocate, SR.No.77873

PJL

RL/5C/4P/MR/KKR/SAR1/28/9/2017

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