



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2017

CORAM:

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Cr1.O.P(MD)No.23567 of 2016

EMS Nazir Ahamed : Petitioner/ De facto complainant

Vs.

1.The Inspector of Police,
Fort Police Station,
Trichy City.
(Crime No.840 of 2016) : First Respondent/Complainant

2.Shagul Hameed : Second Respondent/Sole Accused

Prayer: Criminal Original Petition is filed under Sections 439(2) of the Criminal Procedure Code, praying to cancel the bail for the second respondent granted in Cr.M.P.No.2799 of 2016, dated 30.11.2016 on the file of the Principal Sessions Court, Trichy.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondent No.1 : Mr.K.V.Rajarajan,
Government Advocate (Cr1.side).

For Respondent No.2 : Mr.D.Rameshkumar

O R D E R

This petition has been filed praying to cancel the bail granted in favour of the second respondent vide order dated 30.11.2016 made in Cr.M.P.No.2799 of 2016 by the learned Principal Sessions Judge, Tiruchirappalli.

2.The de facto complainant has filed this application on the ground that the accused executed a document on 18.09.2016 accepting his guilt of misappropriation and undertook to repay Rs.18 lakhs, misappropriated by him on or before 01.10.2016. Since he has not honoured his promise, complaint was lodged on 21.10.2016. Without considering the admission of the guilt, the trial court has granted bail and therefore the said bail order must be cancelled.



3.The learned Government Advocate (Criminal side) submits that pursuant to the bail order, the second respondent/sole accused has complied with the bail condition without fail and investigation in this case is almost over and final report is likely to be filed soon.

4.The learned counsel for the second respondent submitted that the second respondent has cooperated with the investigation and ready to undergo the trial.

5.In the said circumstances, since this Court is not able to see any breach of bail condition, this petition is dismissed. However, it is suffice to direct the first respondent police to expedite the investigation and file final report as early as possible and this order will not stand in the way of the parties to settle the dispute out of Court, if they so desire.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Tiruchirappalli.

2.The Inspector of Police,
Fort Police Station,
Trichy City.

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

+1cc to Mr.D.Rameshkumar, Advocate Sr.No. 14472

+1cc to M/S.R.PON KARTHIKEYAN, ADVOCATE SR.No. 14665

smn/Is

AE/SKN RSK/20.03.2017/2P/6C

ORDER MADE IN
Cr1.O.P(MD)No.23567 of 2016
14.03.2017