

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.09.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7120 of 2017

Sundram Fasteners Limited
Rep. by Mr.S.Rajagopalan
Senior General Manager - Finance ... Petitioner

Vs.

1.N.Rangasamy

2.State
Rep. by Inspector of Police,
Central Crime Branch, Team 1,
Vepery, Chennai - 600 007.
(Crime No.500/2012) ... Respondents

Prayer:

Petition filed under Section 439(2) of Cr.P.C., seeking to cancel the anticipatory bail granted on 20.03.2017 to the first respondent in Crl.O.P.No.4168 of 2017.

For Petitioner : Mr.S.R.Rajagopal

For Respondents : Mr.R.Vivekananthan for R1
Mr.M.Mohamed Riyaz for R2
Additional Public Prosecutor

O R D E R

The petitioner has filed this petition seeking to cancel the anticipatory bail granted on 20.03.2017 to the first respondent in Crl.O.P.No.4168 of 2017 on the ground that the first respondent has suppressed the material facts and obtained anticipatory bail from this Court.

2.The first respondent was arrayed as A16 in Crime No.500 of 2012. The allegation against the first respondent is that when A1 was working as Senior Executive Manager of the defacto complainant Company, A1 misappropriated money by creating forged and fabricated documents from the year 2000 to 2008 and the first respondent being friend of A1 has siphoned off a sum of Rs.1,50,000/- from the defacto complainant Company. On the above allegations, the first respondent was granted anticipatory bail by this Court on 20.03.2017 on condition to deposit a sum of Rs.75,000/- to the credit of Crime No.500 of 2012 before the learned Judicial Magistrate No.I, Poonamallee.

3.The learned counsel appearing for the petitioner would submit that the total amount transferred in favour of M/s.Maruti Enterprises is to the tune of Rs.41 Lakhs. However, suppressing the material facts, the first respondent obtained anticipatory bail from this Court. However, he fairly conceded that the total amount cheated by the first respondent is Rs.4,56,000/-.

4.Heard the arguments advanced on either side and also perused the materials available on record.

5.Though the contention of the petitioner is that a sum of Rs.41 Lakhs was transferred in favour of M/s.Maruti Enterprises, no material was placed before this Court to establish that the first respondent has swindled a sum of Rs.41 Lakhs. Further, this Court has considered the allegations against the first respondent elaborately and has granted anticipatory bail on condition to deposit a sum of Rs.75,000/- to the credit of Crime No.500 of 2012 before the learned Judicial Magistrate No.I, Poonamallee.

6.In the absence of any materials to establish that the first respondent has swindled a sum of Rs.41 Lakhs and in the absence of any allegation against the first respondent with regard to violation of the conditions imposed on him, I am not inclined to entertain this petition. The criminal original petition is accordingly dismissed.

14.09.2018

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

M.DHANDAPANI,J.

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To

1.The Inspector of Police,
Central Crime Branch, Team 1,
Vepery, Chennai - 600 007.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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