

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Cr1.O.P.No.3122 of 2018

R.Chandran

.. Petitioner

Vs.

1. S.M.Arul
S/o.S.Mariaraj

2. State by Sub-Inspector of Police,
Central Crime Branch-EDF III,
Chennai City Police, Vepery,
Chennai-600 007.

... Respondents

PRAYER: Criminal Original Petition filed under Section 439(ii) of Cr.P.C., to cancel the bail granted by the Judicial Magistrate, Alandur, in Cr.M.P.No.5181/2014, dated 26.08.2014.

For Petitioner : Mr.J.Nagarajan

For R2 : Mr.C.Iyyapparaj
Additional Public Prosecutor.

O R D E R

This criminal original petition has been filed to cancel the bail granted to the 1st respondent herein, by the Judicial Magistrate, Alandur, in Cr.M.P.No.5181/2014, dated 26.08.2014.

2.The petitioner is the defacto complainant. The case of the petitioner is that the 1strespondent/accused had cheated the petitioner/defacto complainant by getting money as part of sale consideration for the property which actually does not belong to him and also received money on various occasions on false promises that he would repay the amount with huge interest. However, the 1st respondent/accused neither handed over the property nor repaid the amount. Hence, a complaint has been lodged before the respondent police and a case was registered in Crime No.57 of 2014 for the offences under Section 420, 406, 506 (ii) of I.P.C. and arrested the 1st respondent/accused.

3.The case of the 1st respondent/accused is that there was a money dispute in between the accused and the petitioner/defacto complainant in real estate business and that already the 1st respondent/accused had lodged a complaint against the defacto complainant/petitioner. Thereafter, it was compromised and the complaint was not pressed. Thereafter, the petitioner has lodged the present complaint.

4.Heard both sides.

5.On perusal of the order dated 26.08.2014 passed in CrI.M.P.No.5181 of 2014 by the Judicial Magistrate, Alandur, it is seen that considering all the facts and circumstances of the case, the Judicial Magistrate had granted bail to the 1st respondent/accused on condition that the petitioner shall deposit Rs.1,00,000/- and on further condition that the petitioner shall sign before the respondent police daily at 10.30 a.m., for two weeks.

6.The learned Additional Public Prosecutor appearing for the State/2nd respondent submitted that the 1st respondent/accused is complying with the order dated 26.08.2014, regularly.

7.In view of the above and the petitioner has also not established any violation of conditions, I do not find any reason to interfere with the order passed by the learned Judicial Magistrate, Alandur, in CrI.M.P.No.5181 of 2014 on 26.08.2014. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-
Deputy Registrar

// True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Ambadur.

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2. Sub-Inspector of Police,
Central Crime Branch-EDF III,
Chennai City Police, Vepery,
Chennai-600 007.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Nagarajan, Advocate, Sr.No.58319

RMP (25/09/2018)

Crl.O.P.No.3122 of 2018



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