

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.09.2018

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.21894 of 2017

V.Ezhumalai

.. Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.

2.M.Naveen Kumar

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 439 (1)(b) of Cr.P.C., to cancel the 2nd respondent's bail granted in Crl.M.P.No.3015 of 2014 by the learned Judicial Magistrate, Polur in Crime No.237 of 2014 pending investigation on the file of the 1st respondent, the Inspector of Police, Polur.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.R.Surya Prakash, GA for R1
Mr.M.Arumugam for R2

O R D E R

This Criminal Original Petition has been filed to cancel the 2nd respondent's bail granted in Crl.M.P.No.3015 of 2014 by the learned Judicial Magistrate, Polur in Crime No.237 of 2014, pending investigation on the file of the 1st respondent, the Inspector of Police, Polur.

2.The defacto complainant is the petitioner herein. The case of the petitioner is that the respondent/accused along with his father borrowed a sum of Rs.8 lakhs from the defacto complainant, for which, the accused paid a part amount of Rs.2 lakhs and the same was received by the defacto complainant. Thereafter, on 18.06.2014, the defacto complainant received another sum of Rs.1 lakh from the accused. Out of Rs.8 lakhs, the petitioner received only a sum of Rs.3 lakhs. In order to failure to pay the loan amount, the defacto complainant lodged a complaint against the accused, for which, the accused moved Cr.M.P.No.3015 of 2014, seeking bail before the Judicial Magistrate, Polur, Tiruvannamalai District. Taking into consideration the substantial amount has been settled in favour of the

petitioner/defacto complainant, the lower Court granted bail to the 2nd respondent/accused with certain conditions.

3.The learned Government Advocate (Criminal Side) would submit that the second respondent/accused has not violated the conditions imposed by the Court below and that the investigation is still pending.

4.The learned counsel for the petitioner/defacto complainant would submit that if the bail granted by the Court below is cancelled, he would get the balance amount from the second respondent/accused and therefore, he prays to cancel the bail granted by the Court below in favour of the second respondent/accused.

5.Considering the submission made by both sides and also taking note of the fact that the second respondent/accused is complying the conditions imposed by the Court below, this Court is not inclined to allow this petition and accordingly, this Criminal Original Petition seeking cancelling the bail granted in favour of the second respondent/accused is dismissed on devoid of merits and accordingly, the same is dismissed.

kal

Sd/-

Assistant Registrar(CS IV)

// True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate, Polur.

2.The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Chennai.

+ 1 CC TO MR.M.ARUMUGAM, ADVOCATE SR 61320
+ 1 CC TO MR.C.D.JOHNSON, ADVOCATE SR 61224

KR/4/10/18

CrI.O.P.No.21894 of 2017