

0IN 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.22202 of 2017

V.Ezhumalai

.. Petitioner

Vs.

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

2.D.Moorthy

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 439 (1)(b) of Cr.P.C., to cancel the anticipatory bail granted in Crl.O.P.No.22045 of 2014 Dt.26.08.2014 by this Court in Crime No.237 of 2014 pending investigation on the file of 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 anticipatory bail granted in Crl.O.P.No.22045 of 2014 ,by this Court in Crime No.237 of 2014, pending investigation on the file of 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 son 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 second respondent moved a petition Crl.O.P.No.13116 of 2014, seeking anticipatory bail before this Court. On 26.08.2014, this Court granted anticipatory bail in favour of the second 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 this Court and that the investigation is still pending.

4.The learned counsel for the petitioner/defacto complainant would submit that if the anticipatory bail granted by this Court is cancelled, he would get the balance amount from 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 this Court in Crl.O.P.No.13116 of 2014, dated 26.08.2014, this Court is not inclined to allow this petition and accordingly, this Criminal Original Petition seeking cancelling the anticipatory bail granted in favour of the second respondent/accused, is dismissed on devoid of merits and accordingly, the same is dismissed.

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Sd/-

Assistant Registrar(CS V)

// True Copy//

Sub Assistant Registrar

To

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

2.The Public Prosecutor,
High Court, Chennai.

+ 1 CC TO MR.M.ARUMUGAM, ADVOCATE SR 61321
+ 1 CC TO MR.C.D.JOHNSON, ADVOCATE SR 61224

KR/4/10/18

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