

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL ORIGINAL PETITION No.22907 of 2017

R.VENGADESAN, [PETITIONER / ACCUSED]

Vs

1 BHUVANESHWARI, [RESPONDENT]

2 THE STATE BY
INSPECTOR OF POLICE, CCB-EDF, VEPERY,
CHENNAI. CR.NO.88 OF 2017.

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the bail granted to the 1st respondent/accused in CrI.OP.No.20757 of 2017 dated 27.09.2017 by this Honble court in Crime No.88 of 2017 pending investigation before the respondent.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of MR. RAGHU, M/S.R.C.PAUL KANAGARAJ Advocate for the petitioner and of Ms. S. THANKIRA, Government Advocate (CrI.Side) on behalf of the Respondent the court made the following order:-

This petition has been filed to cancel the bail granted by this Court by order dated 27.09.2017 in CrI.OP.No.20757 of 2017.

2.I have heard Mr.Raghu, learned counsel appearing for the petitioner and Ms.S.Thankira, learned Government Advocate (Criminal Side) appearing for the respondent No.2/State.

3.The learned counsel appearing for the petitioner would submit that, the 1st respondent/accused had filed two petitions for bail, one is CrI.O.P.No.20757 of 2017 and another is CrI.O.P.No.20389 of 2017 and when CrI.O.P.No.20389 of 2017 was pending, he filed another petition in CrI.O.P.20757 of 2017, wherein bail was granted by order dated 27.09.2017 and therefore, since the 1st respondent/accused had suppressed the earlier bail application which is pending before this Court and she moved another petition seeking bail, on that ground, bail

granted in CrI.A.No.20757 of 2017 to the 1st respondent shall be cancelled.

4.I have perused the records filed before this Court. In fact, the 1st respondent/accused on apprehension of arrest, had already moved a petition before this Court seeking anticipatory bail. This Court, by a Common Order in Criminal Original Petitions on 27.06.2017, has granted anticipatory bail to the 1st respondent and another accused person, with certain conditions. According to the said conditions, both the accused persons shall jointly furnish title security to the value of Rs.30,00,000/- within a period of three weeks.

5.Subsequently, even though the 1st respondent accused had been ready and willing to execute the title surety, as directed by this Court, while granting anticipatory bail, the co-accused was not co-operating, as he has no means to give title security as directed by this Court.

6.In the meanwhile, the 1st respondent/accused has got engagement for her marriage on 03.09.2017 and accordingly, the marriage for the 1st respondent fixed to be held on 27.01.2018.

7.Since the 1st respondent/accused, being a lady and her marriage has already been fixed, she urgently moved the said Criminal Original Petition seeking for bail, where it was submitted on behalf of the 1st respondent/accused that on her part, she would be ready and willing to abide by any modified conditions imposed by this Court.

8.Only considering the said circumstances, this Court, by order dated 27.09.2017 has passed an order, directing the 1st respondent/accused to be released on bail on her executing a property security worth about Rs.10,00,000/-.

9.Subsequently, on behalf of the petitioner herein, some intervenor appeared before this Court in CrI.O.P.No.20389 of 2017 and the learned Intervener had brought to the notice of this Court that the bail already granted to the 1st respondent/accused by this Court, was the modified conditional order. Recording the said condition as well as the copy of the order made in CrI.O.P.No.20757 of 2017 dated 27.09.2017, the said CrI.O.P.No.20389 of 2017 was dismissed as infructuous by the learned Judge of this Court.

Therefore, all these factors would disclose that the 1st respondent/accused had approached this Court by filing petition to seek for bail, as she could not execute the property security along with the co-accused, as per the conditions imposed by this Court at the time of granting anticipatory bail and moreover,

since the 1st respondent/accused got engagement for her marriage to be performed, immediately, this Court, considering all these aspects, has granted bail with a modified condition of property security to the extent of Rs.10,00,000/-. Therefore, the said order of granting bail was a well considered order on all aspects and hence, it requires no interference from this Court. Accordingly, the present petition is dismissed.

-sd/-

07/02/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE STATE BY
INSPECTOR OF POLICE, CCB-EDF, VEPERY,
CHENNAI. CR.NO.88 OF 2017.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges

CRL OP.22907/2017

Date :07/02/2018

MD: 22/02/2018