

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2018

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.11064 of 2018

A.Saravanan

... Petitioner

Vs

1.S.Suseela

2.The Inspector of Police
N3, Muthiyalpet Police Station
Chennai.
(Crime NO.1320 of 2017)

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to cancel the anticipatory bail granted in favour of the 1st respondent/petitioner in Crl.OP.No.15423 of 2017 dated 10.08.2017.

For Petitioner :Mr.N.Kumar
For Respondents :Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)
for R2

O R D E R

This Criminal Original Petition has been filed to cancel the anticipatory bail granted in favour of the 1st respondent/petitioner in Crl.OP.No.15423 of 2017 dated 10.08.2017.

2. Today, Mr.S.M.Karuthoviam, Grade I, 35959, N3, Muthialpet Police Station, Chennai, is present before this Court.

3. This Court has granted anticipatory bail to S.Suseela (accused) on 10.08.2017 in Crl.OP.No.15423 of 2017, by passing the following order:

"The petitioner, who apprehends arrest at the hands of the respondent police for alleged offences punishable u/s 294(b), 420 and 506(i) IPC in Cr. No.1320 of 2017, seeks anticipatory bail.

2. On the complaint lodged by one A. Saravanan, the respondent police have registered a case in Cr. No.1320 of 2017 on 28.06.2017 under the aforementioned sections against the petitioner herein.

3. On a reading of the complaint, it is seen that the de facto complainant has alleged therein that the petitioner had cheated him to the tune of Rs.5,87,197/- with regard to an export consignment.

4. The learned counsel for the petitioner submitted that the petitioner has paid Rs.1,90,017.25 to the de facto complainant on 21.11.2016 by NEFT transfer.

5. However, the learned Additional Public Prosecutor produced before this Court an undertaking letter given by the petitioner, wherein, she has stated that she owes a sum of Rs.3,42,805/-.

6. The learned counsel for the petitioner submitted that the petitioner is willing to pay Rs.1 lakh, without prejudice to her defence in the case.

7. Recording the above submission of the learned counsel for the petitioner, this Court is inclined to grant the relief of anticipatory bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the XVI Metropolitan Magistrate, George Town, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall surrender before the XVI Metropolitan Magistrate, George Town, Chennai within a period of four weeks from the date of receipt of a copy of this order and deposit with the said Magistrate a sum of Rs.1 lakh and on such deposit being made, the said Magistrate shall disburse the amount to the de facto complainant.

[c] the petitioner shall report before the respondent police for interrogation daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC."

4. This petition has been filed by Saravanan, the de facto complainant in CrI.OP.No.15423 of 2017 on the ground that Suseela has not complied with the conditions imposed by this Court on 10.08.2017.

5. Heard Mr.N.Kumar, learned counsel for the petitioner/de facto complainant, Mr.S.Janarthanam, learned counsel for the accused/Suseela and Mrs.P.Kritika Kamal, learned Government Advocate (CrI. Side) for the 2nd respondent.

6. On instructions, the learned Government Advocate (CrI. Side) submitted that Suseela has not complied with the order passed by this Court on 10.08.2017 in CrI.OP.No.15423 of 2017.

7. Mr.S.Janarthanam, learned counsel for the accused also conceded the position.

8. In view of the above, this petition is allowed and the anticipatory bail granted to Suseela on 10.08.2017 in CrI.OP.No.15423 of 2017 is hereby cancelled.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The XVI Metropolitan Magistrate,
George Town, Chennai.

2.The Inspector of Police
N3, Muthiyalpet Police Station
Chennai.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.N.Kumar, Advocate, S.R.No. 45037

spd(CO)
BM 23/07/2018

CrI.OP No.11064 of 2018

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