

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.25931 of 2017

SRI RANGAVILAS G.S. & V.MILLS [PETITIONER / Defacto complainant]
(A UNIT OF NATIONAL TEXTILES CORPORATION
LIMITED, A GOVERNMENT OF INDIA ENTERPRISES)
REP BY ITS CHIEF GENERAL MANAGER,
K.G.MANOJ KUMAR,

Vs

1 THE STATE REP BY ITS, [RESPONDENT/RESPONDENT]
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
COIMBATORE DISTRICT.

2 P.VADIVELU [RESPONDENT/1st ACCUSED]

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the bail granted to 2nd Respondent in CrI.M.P.No.2780 of 2017 by the learned Judicial Magistrate NO.VI, Coimbatore, in Crime No.11 of 2016 on the file of Inspector of police, City Crime Branch, Coimbatore

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.M.VIJAYAN ASSOCIATES Advocate for the petitioner and of MR. C.IYYAPPARAJ ADDL.Public Prosecutor for R1, and of MR.C.D.SUGUMAR for R2, on behalf of the Respondent the court made the following order:-

This petition has been filed seeking cancellation of bail granted to second respondent by the learned Judicial Magistrate No.VI, Coimbatore in CrI.M.P. No.2780 of 2017 on 19.04.2017.

2. The case of the prosecution is that the defacto complainant working as a General Manager of the Mill by name M/s.Sri Rangavilas G.S. & W.Mills under the control of M/s. National Textile Corporation Limited, A Government of India Enterprises, under the control of Ministry of Textiles. Al/Nagarajan is the second respondent in

Crl.OP.No.25931 of 2017 and at that time he was a former Cashier till 01.02.2014. Thereafter, he was working as a Casual Staff Assistant. The said Nagarajan /A1 along with other accused namely Vadivelu, the second respondent herein impersonated himself as Account Officer and made huge loss to the above said Mill owned by the Ministry of Textiles. Initially the respondent approached this Court for Anticipatory Bail. This Court elaborately discussed and dismissed the Anticipatory Bail on 04.08.2016 in Crl.O.P.Nos.7183 and 7203 of 2016 which lead as follows:-

" The learned Public Prosecutor vehemently opposed for grant of anticipatory bail to the petitioners on the ground that huge amount is involved in this case and that A1 worked as Cashier from 2008 to February, 2014 and thereafter, he is working as a casual labour assisting A2, who is the present Cashier in the above said Mill. The petitioners herein/A1 and A2 colluded with A3, one Marudhachalam (who is not the petitioner herein) and committed cheating in the above company totally Rs.93,65,689.52 by impersonating the signature of the Accounts Officer and issued in favour of A3 and the same was transferred to A1's account with an intention to cheat the company. He further submitted that if the petitioners are let out on anticipatory bail, they will tamper the witnesses and they may not be able to secure the other accused and recover the amount involved in this case."

3. Immediately, after the dismissal of the Anticipatory Bail, the petitioner was arrested and remanded to judicial custody. Thereafter, the petitioner approached the lower Court for granting bail in Crl.M.P.No.2780 of 2017. The learned Magistrate without discussing the total loss of the defacto complainant's Company, simply discussed as if Rs.7,53,685/- as loss and further, directed the petitioner to produce the document worth about Rs.8,00,000/-, failing which he would have to deposit Rs.2,00,000/- surety in the name of the concerned Court.

4. On perusal of the above order, the learned Judicial Magistrate-VI, Coimbatore without considering the order of this Court dated 04.08.2016, more particularly in para 4, without analysing the entire facts, concluded to discuss the total loss of Rs.93,65,689.52/-. Taking into consideration that learned Judicial Magistrate-VI, Coimbatore has taken into account the original loss of Rs.8,00,000/- only and granted bail to the petitioner imposing some minimum condition.

5. On a perusal of the impugned order, this Court finds that the Lower Court granted bail to the second respondent in Crl.M.P.No.2780 of 2017 dated 19.04.2017, without application of mind and without consideration the order passed by this Court in Crl.O.P.Nos.7183 & 7203 of 2016 dated 04.08.2016. Hence, this Court is inclined to cancel the bail. Accordingly, this Criminal Original Petition is allowed and the bail granted in Crl.M.P.No.2780 of 2017 is cancelled.

-sd/-
21/08/2018

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 JUDICIAL MAGISTRATE NO.VI
COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
COIMBATORE DISTRICT.

CC to M/S.K.M.VIJAYAN ASSOCIATES Advocate on payment of
necessary charges SR.NO. 15730

CC to M/S.C.D.SUGUMAR Advocate on payment of necessary charges
SR.NO. 15751

CRL OP.25931/2017

Date :21/08/2018

cm 03/09/2018