

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CrI.O.P.No.28250 of 2017

Siva

...Petitioner

Vs.

1. Kuttymoosa
S/o.Kunju Mohammed

2. The Inspector of Police,
District Crime Branch,
Nagappattinam District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 439(ii) of Cr.P.C., to cancel the Bail granted to the 1st Respondent by the Learned District and Sessions Judge, Nagapattinam in CrI.M.P.No.2627 of 2009 dated 05.11.2017.

For Petitioner : Ms.Greetha Senthilkumar

For R2 : Mr.C.Iyyapparaj
Additional Public Prosecutor.

O R D E R

This criminal original petition has been filed To cancel the Bail granted to the 1st Respondent by the Learned District and Sessions Judge, Nagapattinam in Cr.M.P.No.2627 of 2009 dated 05.11.2017. 2.The petitioner is the defacto complainant in Crime No.4 of 2017 and he lodged a complaint before the Inspector of Police, District Crime Branch, Nagapattinam under Section 406 and 420 of IPC. Thereafter, the accused was arrested and remanded to judicial custody on 06.09.2017. The occurrence is said to have taken place between 31.01.2015 to 09.02.2015. The case of the prosecution is that there were totally three accused. The defacto complainant namely one Siva had sold prawn fish to a value of Rs.1,58,00,000/- to A3-Sanjeev, who belongs to other state through A1 and A2, who were acting as agents. Whiles, A3, had paid a sum of Rs.98,00,000/- and failed to pay the balance amount to the defacto complainant. Hence, the

defacto complainant lodged a complaint against the accused persons and the respondent police arrested A1 and remanded to judicial custody. Hence, the petitioner/A1 had filed a petition seeking for bail before the learned District and Sessions Judge, Nagapattinam. Upon considering all the facts and circumstances of the case, the learned District and Sessions Judge, Nagapattinam, had granted bail on certain conditions.

3. On perusal of the records, I do not find any reason to interfere with the order passed by the learned District and Sessions Judge, Nagapattinam. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

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To

1. The Inspector of Police,
District Crime Branch,
Nagappattinam District.
2. The Public Prosecutor,
High Court, Madras.

RK(CO)
RMP(24/09/2018)

Crl.O.P.No.28250 of 2017

सत्यमेव जयते

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