

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.12.2018
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Cr1.O.P.No.7631 of 2017

Gajalakshmi

...Petitioner/Defacto
Complainant

Versus

- 1.The State Rep by
The Inspector of Police,
Central Crime Branch,
Vepery,
Crime No.94 of 2015. ...1stRespondent/Complainant
- 2.Sanjay Kumar Sharma @ Sharma...2nd Respondent/Accused 4

Prayer: The Criminal Original Petition filed under
Section 482 of Cr.P.C, to cancel the bail granted to the
Second respondent/4th accused by order dated 04.04.2016
made in Cr1.O.P.No.3086 of 2016.

For Petitioner : Mr.P.Kumaresan

For Respondents : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1.Side) for R1

O R D E R

This criminal original petition has been filed
seeking cancellation of anticipatory bail granted to the
second respondent/4th accused in Cr1.O.P.No.3086 of 2016,
dated 04.04.2016.

2.The petitioner is the defacto complainant in Crime
No.94 of 2015 on the file of the first respondent. When
the second respondent moved the petition for
anticipatory bail in Cr1.O.P.No.3086 of 2016, this Court,
by order dated 04.04.2016 granted anticipatory bail on
condition that the accused, who is arrayed as A4, shall
pay Rs.10,00,000/-, to the defacto complainant by way of
Demand Draft, within a period of three weeks.

3. Subsequently, Cr1.M.P.No.5231 of 2016 has been
filed by the accused/second respondent seeking
modification of the order dated 04.04.2016. When the
matter was taken up for hearing on 28.04.2016, the
learned counsel for the second respondent sought
permission to deposit the amount to the credit of crime

number instead of directly paying the amount to the defacto complainant. However, this Court has not accept the submission of the second respondent and directed him to make payment to the defacto complainant.

4. It is now represented by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent that the conditional order of this Court dated 04.4.2016 has not been complied with by the second respondent/4th accused and as per his undertaking, he has not paid the amount of Rs.10,00,000/- to the defacto complainant.

5. The learned Government Advocate (Crl.Side) for the first respondent submitted that now the case was transferred to Investigation Unit Crime against Women, Vepery, Chennai.

6. Despite service of notice, the second respondent has not chosen to enter his appearance either through his counsel or in person.

7. In the light of the submissions of the learned counsel as referred supra, the anticipatory bail granted by this Court to the 2nd respondent / 4th accused in Crl.OP.No.3086/2016, dated 04.04.2016 is cancelled and the investigation agency is at liberty to secure the second respondent, for the purpose of investigation.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

The Inspector of Police,
Central Crime Branch,
Vepery, Chennai.

2.The Investigation Unit,
Crime apinet Women,
Vepary, Chennai.

3. The Public Prosecutor, High Court ,Madras.

Crl.O.P.No.7631 of 2017

A.SK(01/02/2019)