

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 16.02.2018

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.3714 of 2016

Tmt.Mariyammal

... Petitioner

Vs

1. State,
rep. by Inspector of Police,
Edapadi Police Station,
Salem District.

2. Selvaraj

... Respondents

Criminal Original Petition filed under Section 439(2) Cr.P.C. to cancel the anticipatory bail granted by this Court to the 2nd respondent herein/accused vide order dated 29.07.2015 in Crl.O.P.No.18769 of 2015.

For Petitioner : Mr.A.Ramesh

For Respondents : Mr.R.Ravichandran, GA (Crl.Side) (For R1)
Mr.R.Marudhachalamurthy (For R2)

ORDER

The present petition has been filed by the decato-complainant seeking to cancel the anticipatory bail granted to the 2nd respondent herein vide order dated 29.07.2015 in Crl.O.P.No.18769 of 2015.

2.The said petition in Crl.O.P.No.18769 of 2015 had been filed by the 2nd respondent herein seeking to grant anticipatory bail in respect of the case in Cr.No.116 of 2015 on the file of the 1st respondent-Police for offence under Sections 420 & 506 (i) IPC. This Court, after hearing both sides, has granted anticipatory bail to him on 29.07.2015, since the 2nd respondent has handed over a demand draft for a sum of Rs.4 lakhs to the learned counsel for the defacto-complainant and further, he has also submitted that the balance amount would be paid within a short span of time.

3.Now, the learned counsel for the petitioner/defacto-complainant submitted that as per the undertaking given by the 2nd respondent, he has not paid the balance amount, hence, the anticipatory bail granted to him has to be cancelled.

4.But, it is seen that on the date of granting anticipatory bail itself ie. on 29.07.2015, the 2nd respondent has handed over a demand draft for a sum of Rs.4 lakhs to the learned counsel for the petitioner herein and he has also received the same on behalf of the petitioner herein. If the balance amount is not paid as reported before this Court, the petitioner has to work out her remedy before the civil Court and the same would not serve as a ground to cancel the anticipatory bail granted to the 2nd respondent.

5.Hence, I do not find any merit in the present petition to cancel the anticipatory bail granted to the 2nd respondent. Hence, this petition is dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Inspector of Police,
Edapadi Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.12667

skv(co)
Cs/09/03/18

Cr1.O.P.No.3714 of 2016

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