

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2018

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Cr1.O.P.No.25939 of 2017

Sri Rangavilas G.S. & W.Mills,
(A Unit of National Textiles Corporation Limited)
A Government of India Enterprises),
Rep. By its Chief General Manager,
K.G.Manoj Kumar,
Having Office at
No.333, Avinashi Road,
Peelamedu Post,
Coimbatore-641 004. ...Petitioner/
Defacto complainant

Vs.

1.State Rep. By its
Inspector of Police,
City Crime Branch,
Coimbatore District. ... Respondent

2.R.Nagarajan,
S/o.Manikam. ... Respondent/
2nd Accused

PRAYER: Criminal Original Petition is filed under Section 439 (ii) of Cr.P.C., to cancel the bail granted to 2nd respondent in Cr1.M.P.No.2650 of 2017 by the learned Judicial Magistrate No.VI, Coimbatore, in Crime No.11 of 2016 on the file of the Inspector of Police, City Crime Branch, Coimbatore.

For Petitioner : M/s.K.M.Vijayan Associates.

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor for R1.

Mr.S.Annamalai for R2.

O R D E R

This petition has been filed seeking to cancel the bail granted to the 2nd respondent, by the learned Judicial Magistrate No.VI, Coimbatore, in CrI.M.P.No.2650 of 2017 on 17.04.2017.

2.The case of the prosecution is that the defacto complainant is working as General Manager of Sri Rangavilas G.S.&W.Mills, A Unit of National Textiles Corporation Limited, Coimbatore, under the control of Ministry of Textiles. The 2nd respondent/A1 viz., Nagarajan, who is a former cashier impersonated himself as Accounts Officer along with two other persons and made huge loss to the above said Mill owned by the de-facto complainant. Hence, the petitioner/de-facto complainant lodged a complaint before the respondent police and a case has been registered against the accused persons for the offences punishable under Sections 120B, 406, 468, 471 and 420 I.P.C. Initially, the 2nd respondent approached this Court for Anticipatory Bail in CrI.O.P.No.7183 of 2016 and this Court after elaborate discussion dismissed the Anticipatory Bail petition on 04.08.2016. Immediately, after the dismissal of the Anticipatory Bail, the 2nd respondent was arrested and remanded to judicial custody. Thereafter, the 2nd respondent approached the lower Court for grant of bail in CrI.M.P.No.2650 of 2017 and obtained bail on condition that the 2nd respondent herein has to produce the document worth about Rs.8,00,000/- failing which he has to deposit Rs.2,00,000/- as surety to the credit of concerned court.

3.The learned counsel for the petitioner would submit that already this Court had considered cancellation of bail to A1 in CrI.O.P.No.25931 of 2017 on 21.08.2018 and this petitioner is arrayed as A2 in this case. Hence, he seeks for cancellation of bail to the 2nd respondent.

4.Mr.S.Annamalai, the learned counsel appearing for the second respondent would submit that though the lower court had granted bail considering the period of incarceration, without prejudice to his rights in the criminal case, the petitioner is ready to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs) to the credit of petitioner's Corporation, within a period of ten weeks and also filed an affidavit to that effect. The relevant portion of the affidavit filed by the 2nd respondent is extracted hereunder:

"3.I submit that as per the directions of this Hon'ble Court and without prejudice to my rights to contest the criminal case, I undertake to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only), on the file of the petitioner's Corporation. I seek

indulgence of this Hon'ble Court to grant me ten weeks time to deposit the above sum of Rs.10,00,000/- as I am a retired employee and I am suffering from various aged related diseases."

5.The learned counsel for the petitioner accepted to the submission made by the learned counsel for the 2nd respondent.

6.In view of the above, this Court is not inclined to cancel the bail granted to the 2nd respondent in CrI.M.P.No.2650 of 2017 by the learned Judicial Magistrate No.VI, Coimbatore and the 2nd respondent is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of petitioner's Corporation within a period of four weeks from the date of receipt of copy of this order. If the 2nd respondent fails to deposit the aforesaid amount within the stipulated time, the bail granted to him by the lower Court shall stand automatically cancelled.

7.Accordingly, this Criminal Original petition stands closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.VI,
Coimbatore.
- 2.-Do-Thro the Chief Judicial Magistrate,
Coimbatore.
3. The Inspector of Police,
City Crime Branch,
Coimbatore District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.K.M.Vijayan Associates, Advocate Sr.71628

CrI.O.P.No.25939 of 2018

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srg 30/10/2018