

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.29139 of 2018

P.M.Jagadeesan

.. Petitioner

Vs.

1.State Rep. by
The Inspector of Police
District Crime Branch
Thiruvallur District
(Crime No.12 of 2018)

2.K.N.D.Gopal

.. Respondents

PRAYER:Criminal Original Petition has been filed under Section 439(2) of Criminal Procedure Code to cancel the anticipatory bail granted to the first respondent in Crl.O.P.No.22224/2018 dated 04.10.2018 by this Court in Crime No.12 of 2018 on the file of the first respondent.

For Petitioner : Mr.R.Vivekananthan

For Respondents : Mr.R.Ravichandran
Government Advocate (Crl.Side)
for R1

Mr.K.G.Senthil Kumar for R2

सत्यमेव जयते
O R D E R

This petition has been filed under Section 439(2) of Criminal Procedure Code to cancel the anticipatory bail granted to the first respondent in Crl.O.P.No.22224/2018 dated 04.10.2018 by this Court in Crime No.12 of 2018 on the file of the first respondent.

2.The 2nd respondent with an intent to cheat the petitioner had obtained a sum of Rs.2 crores from the petitioner. After obtaining the said amount, the 2nd respondent with an intention to defraud the petitioner in order to obtain wrongful gain, indulged in various fraudulent activities. Whenever the petitioner insisted the 2nd respondent to repay the

said amount, the 2nd petitioner colluded with one Sridhar i.e. A2 and created a false documents in the name of Axis Bank, filled in deposit challan on two different dates for a sum of Rs.2 crores to show that the amount has already been deposited into the petitioner's account. But, the said amount was not transferred to his account, accordingly, the 2nd respondent defrauded the petitioner. Hence, a case has been registered against the 2nd respondent by the respondent police.

3.The learned counsel for the petitioner would submit that while granting anticipatory bail to the 2nd respondent in Crl.O.P.No.22224 of 2018 dated 04.10.2018, this Court imposed a condition to release the 2nd respondent on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pallipattu, Thiruvallur District, on condition that the 2nd respondent shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate.

4.Thereafter, time for complying the condition imposed on the petitioner in Crl.O.P.No.22224 of 2018 dated 04.10.2018 was extended by a further period of two weeks on 30.10.2018. The said period has come to an end. Till now, the surety has not been furnished and the conditions imposed on the 2nd respondent has not been complied with.

5.Accordingly, the anticipatory bail granted by this Court to the 2nd respondent in Crl.O.P.No.22224 of 2018 dated 04.10.2018 stands vacated automatically.

6.With the above clarification, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To.

1.The Inspector of Police
District Crime Branch
Thiruvallur District
(Crime No.12 of 2018)

2.The Public Prosecutor
High Court of Madras

+lcc to Mr.R.Vivekananthan, Advocate, S.R.No.86316 (19/02/2019)

CrI.O.P.No.29139 of 2018

GP(CO)

rrs 23/01/2019



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