



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Ninth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP (MD) No.1329 of 2018

IN

CRL OP (MD) No.5904 of 2017

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THANJAVUR DISTRICT,
(CR.NO.6/2017)

... PETITIONER/RESPONDENT/
COMPLAINANT

Vs

R.RADHAKRISHNAN

... RESPONDENT/PETITIONER/
ACCUSED NO.1

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the Anticipatory Bail granted to the respondent by this Honourable High Court in Crl.O.P.(MD).No. 5904/2017 dated 18.05.2017

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.PRABU RAMACHANDRAN, Government Advocate (Crl.Side) for the petitioner and of MR.R.PRABHAKARAN, Advocate for the Respondent the court made the following order:-

The prosecution has filed Crl.MP(MD)No.1329 of 2018 for cancelling the anticipatory bail granted in favour of the respondent namely, R.Radhakrishnan on 18.05.2017 in Crl.OP(MD) No.5904 of 2017. When the said criminal original petition was filed, the case against the respondent herein was pending at the stage of petition enquiry. However, when the case was taken up for hearing, it was informed the Court that Crime No.6 of 2017 has been registered. Hence, this Court granted anticipatory bail to the respondent herein on condition that he shall deposit a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only).



application for cancellation of the anticipatory bail on the ground that the real facts were not placed before this Court. The investigation Officer appeared before this Court in person. He fairly stated that a sum of Rs.16.00 crores is the present liability of the accused. He would further submit that he continuously received complaints. The offences against the accused are not only under Sections 420 and 406 IPC but also under Section 5 of the TNPID Act. Whenever a Financial Establishments itself commits default and case is registered against the Financial Establishment and its Directors, this Court grants anticipatory bail only if there is a fair settlement of liability. In this case, the amount involved is more than sixteen crores. That is the huge liability which the accused owes to the depositors. Granting him bail on condition of depositing a mere sum of Rs.8,00,000/- can only be said to be a mockery of justice.

3.This Court is conscious of the fact that grant of anticipatory bail is one thing and cancellation of bail already granted is another thing. In this case, this Court would not have granted anticipatory bail to the respondent herein, had it been informed that the quantum of liability owed by the respondent herein is in the region of several crores. Since a false statement was made before this Court when anticipatory bail was taken up for hearing, the relief or anticipatory bail was granted to the respondent herein on a wrong premise. Now, that the real facts are before this Court, this Court has no hesitation to cancel the anticipatory bail already granted to the respondent herein.

4.The Investigation Officer filed an affidavit before this Court pointing out that following the paper publication given by the police, 231 persons have lodged complaints before the Inspector of Police, District Crime Branch, Thanjavur. It is also further alleged that the respondent herein is alienating the properties that have been purchased in the name of third parties, but with the funds collected from the general public.

5.Therefore, the anticipatory already granted by this Court to the respondent in CrI.OP(MD)No.5904 of 2017 is cancelled. This petition is allowed.

sd/-
09/04/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.PRABHAKARAN, Advocate SR.No.5828

MYR

GJM/PN/RNB/17.4.18-3P-6C

ORDER

IN

CRL MP (MD) No.1329 of 2018

IN

CRL OP (MD) No.5904 of 2017

Date :09/04/2018