



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.22408 of 2016

S.Balaguru
Complainant

...Petitioner/Defacto

Vs.

State through
The Sub-Inspector of Police,
Tiruverumpoor Police Station,
Trichy District.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent police to secure the accused persons in Crime No.786 of 2014 on the file of the respondent police.

For Petitioner : Mr.I.Sabeer Mohamed

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

O R D E R

This petition has been filed seeking for securing the accused person in Crime No.786 of 2014.

2.The respondent police registered the F.I.R in Crime No.786 of 2014 against two named accused persons for an offence under Sections 420 and 506(i) of I.P.C.

3.The accused person approached this Court, seeking for anticipatory bail. This Court, by an order dated 17.02.2015, granted anticipatory bail by imposing certain conditions. It will be pertinent to extract the relevant portions of the order:-

3.On 21.01.2015, this Court referred the matter to the Mediation and Conciliation Centre and the matter was adjourned to 04.02.2015. On 04.02.2015, it was represented by the learned counsel for the petitioner and defacto complainant that they have almost arrived at a compromise and that the petitioner has agreed to pay a sum of Rs.40,000/- initially and balance amount of Rs.1,26,000/- will be paid at the rate of Rs.15,000/-



per month beginning from March, 2015.

4. Today, the petitioner has paid a sum of Rs.40,000/- by two Demand Drafts of Rs.25,000/- and Rs.15,000/- in favour of the defacto complainant and the same has been handed over by the learned counsel for the petitioner to the learned counsel for the defacto complainant. Under such circumstances, this Court is inclined to grant Anticipatory Bail to the petitioner.

.....

5.[d]. On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judicial Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court **in P.K.Shaji vs. State of Kerala [(4245)AIR SCW 5560]**.

4.The learned counsel for the petitioner would submit that except paying a sum of Rs.40,000/- and Rs.15,000/- for one time, the accused persons did not pay any other amount as undertaken by him before this Court. It is also brought to the notice of this Court that another anticipatory bail petition was also filed by the accused person before this Court in CrI.O.P.(MD).No.23787 of 2014 by concealing the earlier order and in the said petition, the accused person has represented as if he has settled an entire amount.

5.It is made clear that the accused person has abused the process of Court. This Court while passing the order in CrI.O.P.(MD).No.23787 of 2014 had specifically held that on breach of any condition, the learned Magistrate was entitled to take appropriate action in accordance with the judgment of the Hon'ble Supreme Court **in P.K.Shaji vs. State of Kerala [(4245)AIR SCW 5560]**.

6.That apart by virtue of the provisions under Section 446-A of Cr.P.C., on breach of condition, the learned Magistrate is entitled to cancel the bail bond. The effect of cancelling the bail bond will amount to very cancellation of the bail itself.

7.This Court directs the learned Judicial Magistrate No.I, Trichy, to proceed further to enforce the orders of this Court made in CrI.O.P.(MD).No.23787 of 2014 and also proceed to start the process of cancellation of bail bond under Section 446-A of Cr.P.C. This procedure shall be completed within a period of two months from the date of receipt of a copy of this order.



8. With the above direction, the Criminal Original Petition is disposed of.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Judicial Magistrate No.I,
Trichy.
2. The Sub-Inspector of Police,
Tiruverumpoor Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC To MR.I.SABEER MOHAMED, Advocate
SR. NO. 858656 & 85836

Cr1.O.P. (MD) .No.22408 of 2016

LS

TR/SV/SAR-I (10.10.2018) 3P 6C