



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.11931 of 2018

S.Manikandan

... Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police,
Karaikudi North Police Station.
Crime No.662 of 2017,
Sivagangai District.

... 1st Respondent/Complainant

2.V.Periyasamy

... 2nd Respondent/Accused No.1

Prayer : This Criminal Original Petition is filed under Section 439(2) of the Criminal Procedure Code, to cancel the anticipatory bail granted to the second respondent/accused No.1 in Crl.MP.No.2651 of 2017 dated 06.01.2018 by the Principal District and Sessions Judge, Sivagangai.

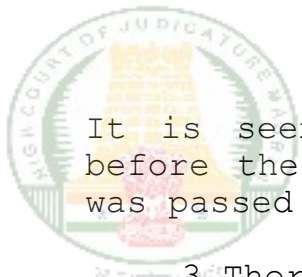
For Petitioner : Mr.R.Babu Jaganath
For Respondents : Mr.A.Robinson,
Govt.Advocate (Crl.Side) for R1

No appearance for R2

ORDER

The petitioner is the defacto complainant in Crime No.662 of 2017 on the file of the Karaikudi North Police Station. His specific allegation is that the second respondent/Accused No.1 had parted with a sum of Rs.21.00 lakhs as a caution deposit for arranging loan to the tune of six crores from the petitioner. Believing the words of the first accused/second respondent, the petitioner also gave the said money along with two blank cheques duly signed by him. But then, neither such loan was arranged and nor the said money was returned. Hence, the present F.I.R was registered.

2.The second respondent herein is figuring as the first accused. It is shocking that he was granted anticipatory bail without any condition. It is now submitted by the learned Government Advocate (crl.side) that the second respondent is involved in quite a few other cases that are similar in nature.



It is seen that the prosecution case was not rightly projected before the court below and the order granting anticipatory bail was passed without taking note of the relevant facts.

3. Therefore, this Court has no hesitation to cancel order granting anticipatory bail in favour of the second respondent. Accordingly, the order dated 06.01.2018 passed by the learned Principal District and Sessions Judge, Sivagangai in Cr.MP No.2651 of 2017 is set aside. This Criminal Original Petition is allowed.

Sd/-
Assistant Registrar (CrI.Side)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Principal District and Sessions Judge,
Sivagangai
2. The Inspector of Police,
Karaikudi North Police Station.
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.R.Babu Jaganath, Advocate in SR.No.14308.

SKM
DS/SKN/SAR-3 :14.08.2018: 2P/5C

CrI OP (MD) No.11931 of 2018
27.07.2018