

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5056 of 2019 IN CRL.OP.NO.3345/2018

ATTICA GOLD COMPANY PVT LTD [PETITIONER / INTERVENER
REP. BY G.RANJITH KUMAR, IN CRL.OP.NO.5056/2019]

Vs

1 THE STATE REP. BY [RESPONDENTS/COMPLAINANT
THE INSPECTOR OF POLICE, IN CRL.OP.NO.5056/2019 IN CRL.OP.3345/2018]
R-4, SUNDARA PANDIAN ANGADI POLICE STATION,
CHENNAI-600 017.
(CR.NO.1386 OF 2017)

2 PRAMOTH YADAV [PETITIONERS/ACCUSED
3 JAYANTHI YADAV IN CRL.OP.NO.3345/2018]
IN CRL.OP.NO.5056/2019]

Petition praying that in the circumstances stated therein the High Court will be pleased to

[I]cancel the bail order in Crl.O.p.No.3345 of 2018 dated 8.3.2018 by this Hon`ble court and thus render justice.
[CRL.OP.NO.5056/2019]

[II]enlarge the petitioners on bail pending investigation in Cr.No.1386 of 2017 on the file of respondent police.
[crl.op.no.3345/2018]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.P.MUTHAMIZH SELVAKUMAR Advocate for the petitioner[in CRL.OP.NO.5056/2019] and of MR.K.PRABAKAR Additional public Prosecutor for [r-1] and [IN MR.R.KRISHNA KUMAR Advocate for Intervener on behalf of the Respondent the court made the following order:-

This petition has been filed by the petitioner/intervenor/defacto complainant, seeking to cancel the bail granted by this Court on 08.03.2018 to the respondents 2 and 3 herein in Crl.OP.No.3345/2018.

2. The petitioner / intervenor is the Defacto Complainant. The learned counsel appearing for the petitioner/defacto complainant would submit that this Court, by order dated 08.03.2018 granted bail to respondents 2 and 3 who have been arrayed as A-5 and A-6 in

Crime No.1386 of 2017 dated 06.09.2017. He would further submit that this Court, while granting bail, imposed conditions that the petitioners shall stay at Chennai and report before the learned XVII Metropolitan Magistrate, Saidapet, Chennai at 10.30 a.m. on all working days and also to report before the respondent police on every Saturday and Sunday at 10.30 a.m. until further orders and also imposed a condition that the respondents 2 and 3/A-5 and A-6 shall not abscond either during investigation or trial. Learned counsel would submit that the respondents 2 and 3/A-5 and A-6 complied with the said conditions only for few days and thereafter, they did not comply with the said conditions. He would further submit that the 1st respondent police had completed the investigation and filed a final report before the learned XVII Metropolitan Magistrate, Saidapet, Chennai and the case is taken on file in C.C.No.8822/2017 and the Trial Court also issued summons to them for appearance. The accused have failed to comply with the conditions and also have absconded. The notice sent by the Trial Court is also returned un-served that stating that the respondents 2 and 3 / A-5 and A-6 are not residing in the address mentioned in the bail bond and other documents. It is submitted that because of the abscondance of the respondents 2 and 3/A-5 and A-6, there is no progress in the case and hence, would pray that the bail granted to the respondents 2 and 3, may be cancelled.

3.The learned Additional Public Prosecutor would submit that the respondents 2 and 3 / A-5 and A-6 are residents of Uttar Pradesh and that since summons sent to them have been returned unserved, the learned Trial Judge has also issued Non-Bailable Warrant against them, which is pending. He would further submit that after coming out a bail, the respondents 2 and 3/A-5 and A-6 have absconded.

4.It is seen that the notice sent through the Registry to the High Court of Allahabad, has been returned stating that time has lapsed and this Court also directed the petitioner / intervenor to take private notice and the same has been returned stating that ''no such persons''. The learned counsel for the petitioner/intervenor would submit that the notice has been specifically taken to the address mentioned in the bail application.

5.The Court heard the submissions made on either side and also perused the materials placed before it.

6.This Court while granting bail to the respondents 2 and 3 / A-5 and A-6, on 08.03.2018 in CrI.OP.No.3345/2018, had imposed the following conditions in paragraph No.7:-

- a) The petitioners shall stay at Chennai and report before the XVII Metropolitan Magistrate, Saidapet, Chennai at 10.30 a.m. On all working days and also report before the respondent police on every Saturday and Sunday at 10.30 a.m. Until further orders.
- b) The petitioners shall not abscond either during investigation or trial.

7. Now the respondents 2 and 3 / A-5 and A-6 have absconded and that having also not appeared before this Court despite notice being duly served on their residential address, it is clear that the respondents 2 and 3 / A-5 and A-6 have not complied with the conditions imposed by this Court, while granting bail to them.

8. Hence, the petition seeking cancellation of bail is **ordered** and the bail granted to the respondents 2 and 3 / A-5 and A-6 by this Court on 08.03.2018 in Crl.OP.No.3345/2018 stands cancelled.

-sd/-

10/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
XVII, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE SUPERINTENDENT
CENTRAL PRISON FOR WOMEN, PUZHAL

4 THE OFFICER INCHARGE
SUB-JAIL, SAIDAPET

5 THE INSPECTOR OF POLICE,
R-4, SUNDARA PANDIAN ANGADI POLICE STATION,
CHENNAI-600 017.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.5056/2019 IN CRL.OP.NO.3345/2018

Date :10/07/2019

RD 22/07/2019