

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16482 of 2019

V.Durai Raj ... Petitioner

Vs.

1.Ayyaluraj

2.State by,

Inspector of Police,
Mahalingapuram Police Station,
Pollachi, Coimbatore District.

... Respondents

Prayer:

Petition filed under Section 439(2) of Cr.P.C., seeking to cancel the anticipatory bail passed by this Hon'ble Court in Crl.O.P.No.29578 of 2017 dated 10.10.2018 to the respondent/ accused.

For Petitioner : Mr.S.Shankar

For Respondents : No Appearance for R1
Ms.T.P.Savitha for R2
Government Advocate

WEB COPY
ORDER

The petitioner/ defacto complainant has filed this petition seeking cancellation of anticipatory bail under Section 439(2) of

Cr.P.C. against the order dated 10.10.2018 passed by this Court in Crl.O.P.No.29578 of 2017, wherein, anticipatory bail was granted in favour of the first respondent.

2.The case of the prosecution is that the petitioner/ defacto complainant approached the first respondent for securing job to his son, for which, he had paid a sum of Rs.4,00,000/- to the first respondent. Thereafter, the first respondent neither secured job for the petitioner's son nor repaid the money. Hence, the petitioner lodged a complaint before the second respondent.

3.The learned counsel appearing for the petitioner would submit that the first respondent has repaid a sum of Rs.30,000/- to the petitioner. He would further submit that immediately after filing of the complaint, the first respondent filed a petition for anticipatory bail before this Court in Crl.O.P.No.29578 of 2017 and the learned counsel who appeared for the first respondent in the said petition submitted before this Court that the first respondent shall pay a sum of Rs.2,00,000/- to the petitioner within a period of four weeks from the date of receipt of a copy of that order and shall pay the balance

amount of Rs.1,70,000/-, within a period of another eight weeks and this Court granted anticipatory bail to the first respondent on 10.10.2018. However, except Rs.30,000/- no amount was paid. Hence, the petitioner has filed this petition.

4.The learned Government Advocate appearing for the second respondent would submit that except Rs.30,000/-, the first respondent has not repaid any amount to the petitioner. She would further submit that the first respondent has not complied with the other conditions also.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the second respondent. This Court also perused the materials available on record.

6.Though notice was served on the first respondent, the first respondent neither entered appearance through counsel nor appeared in person. Hence, it is clear violation of Clause (4) of the anticipatory bail.

M.DHANDAPANI,J.

pri

7.Accordingly, this criminal original petition is allowed and the anticipatory bail granted in favour of the first respondent vide order dated 10.10.2018 in Crl.O.P.No.29578 of 2017 by this Court, is hereby cancelled.

19.08.2019

pri

Speaking Order/ Non Speaking Order

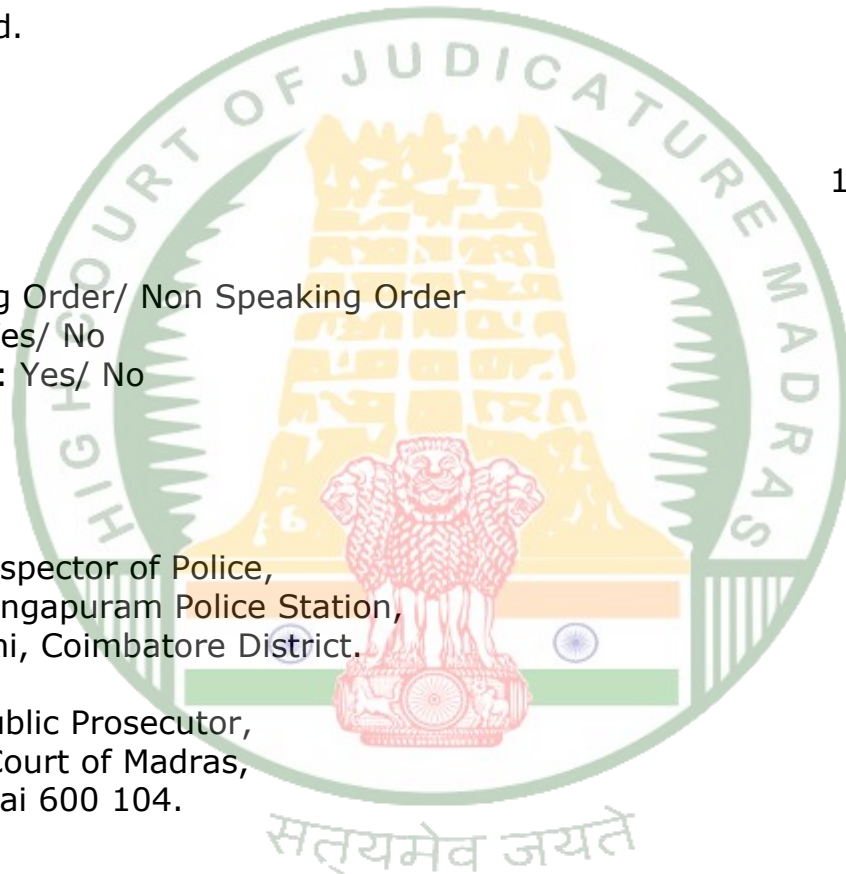
Index: Yes/ No

Internet: Yes/ No

To

1.The Inspector of Police,
Mahalingapuram Police Station,
Pollachi, Coimbatore District.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



Crl.O.P.No.16482 of 2019

WEB COPY

19.08.2019