

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.11588 of 2019

Gnanavel

... Petitioner

Vs.

1.A.R.Ramasamy

2.State rep by
The Inspector of Police,
Central Crime Branch-II,
Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 439(2) of Cr.P.C., to cancel the Bail granted to the first respondent/A1 dated 17.12.2018 in Crl.M.P.7011 of 2018 on the file of Judicial Magistrate Court, Alandur, Kancheepuram.

For Petitioner : Mr.P.Rathnavel

For R2 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to cancel the bail granted to the first respondent in C.M.P.No.7011 of 2018 dated 17.12.2018 on the file of the Judicial Magistrate Court, Alandur, Kancheepuram District.

2. The learned counsel for the petitioner would submit that while granting bail to the first respondent/A1, the learned Magistrate recorded that the issue between the defacto complainant/petitioner herein and the first respondent/A1 appeared to be civil in nature and on the said ground, the first respondent was granted bail.

3. The bail order passed by the learned Judicial Magistrate, Alandur, Kancheepuram District reads as follows:

"Heard both sides. On perusal of record, the period of incarceration is 34 days/ but the respondent police has not taken any steps to interrogate the

petitioner and the offence which is appeared to be caused by the petitioner against the defacto complainant is appeared to be civil in nature, he has also entered into the agreement for repayment and promissory note also executed, another complainant also received in similar nature. There is no investigation is made out by taking the petitioner in police custody. Further, the money criminal accusation which is specified in complaint is criminal intimidation and the offences are purely related to document, hence, further detention of accused in judicial custody is not necessary. Hence, this Court is inclined to grant bail to the petitioner with following stringent conditions:

Accordingly, petitioner is released on bail on executing a bond for a sum of Rs.25,000/- with two sureties for the like sum out of which one surety must be close relatives and on further condition that he should deposit a sum of Rs.50,000/- in this Court as cash surety and on condition that he shall appear before the respondent/police daily at 10.00 a.m for a period of 30 days."

4. While granting bail to the first respondent the learned Magistrate recorded the reason that the entire issue appeared to be civil in nature.

5. It is seen that entire allegations involving the criminal offence as against the first respondent is that the first respondent collected chit amount more than Rs. 1 crore, from so many victims. Therefore, it has to be enquired in the nature of criminal case.

6. Considering the above facts and circumstances of the case, the reason assigned by the Magistrate that "the matter is civil in nature" is deleted. However, the second respondent is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

7. This Criminal Original petition is disposed of with the above direction.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

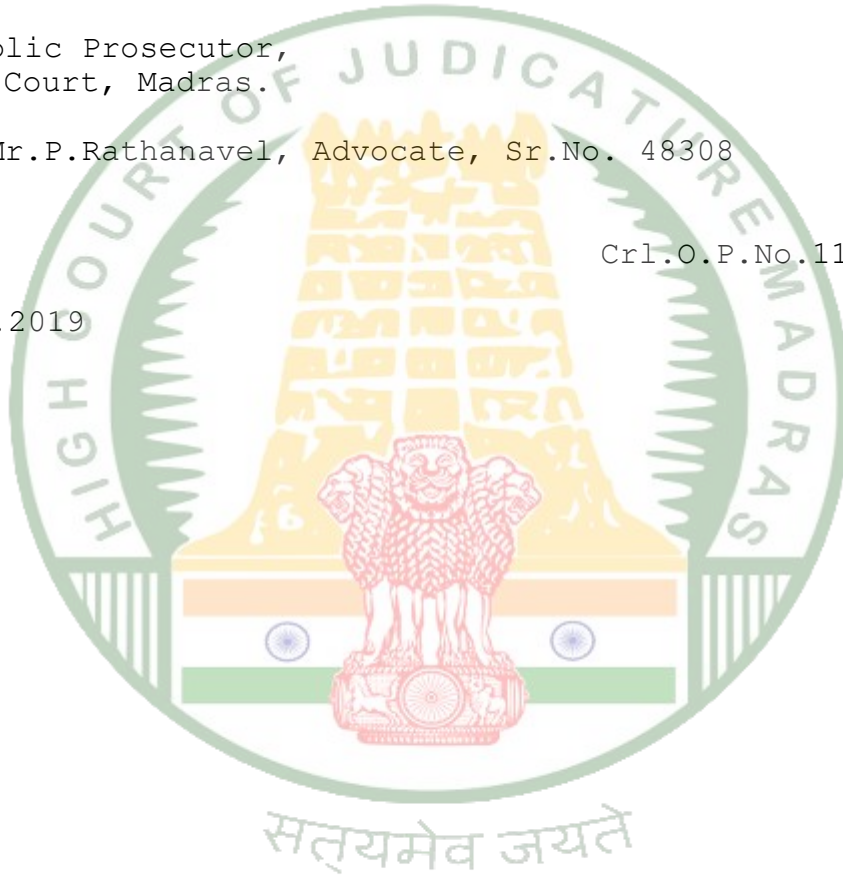
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To

1. The Judicial Magistrate,
Alandur, Kancheepuram District.
 2. do through The Chief Judicial Magistrate,
Kancheepuram District.
 3. The Inspector of Police,
Central Crime Branch-II, Chennai.
 4. The Public Prosecutor,
High Court, Madras.
- +1 cc to Mr.P.Rathanavel, Advocate, Sr.No. 48308

Crl.O.P.No.11588 of 2019

CSL/04.07.2019



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