

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.28920 of 2018

Mr.Gopiraj

... Petitioner

Vs.

1. The Inspector of Police
S-15, Selaiyur Pollce Station
Selaiyur, Tambaram
Chennai (Cr.No.1627/2016)

2.E.Shankar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the 1st respondent to arrest the 2nd respondent / accused whose bail automatically cancelled in pursuant to the order passed in Crl.O.P.No.3095 of 2017 dated 24.08.2018.

For Petitioner : Mr.M.Anandan

For Respondent : Mr.R.Ravichandran

Government Advocate (Crl.Side)for R1

O R D E R

The Criminal Original Petition has been filed by the petitioner under Section 482 of the Criminal Procedure Code, to direct the 1st respondent to arrest the 2nd respondent / accused whose bail automatically cancelled in pursuant to the order passed in Crl.O.P.No.3095 of 2017 dated 24.08.2018.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the defacto complainant in Crime No.1627 of 2016. The 2nd respondent herein approached this Court by filing a bail petition in Crl.O.P.No.3095 of 2017 under Section 439 Cr.P.C. This Court by its order dated 24.08.2018 granted bail to the 2nd respondent on the ground he had agreed to repay the amount.

3.The learned counsel would further submit the 2nd respondent so far has paid Rs.4.50 lakhs out of Rs.10 lakhs. Thereafter, the 2nd respondent filed a time extension petition and undertook to pay the remaining amount of Rs.5.50 on or before 30.10.2018. Recording the same, this Court extended the time till 30.10.2018.

4.After the extension petition, the 2nd respondent paid only Rs.1 lakh instead of 5.50 Lakhs. Since the 2nd respondent had failed to comply with the condition as agreed by him in the earlier bail petition in CrI.O.P.No.3095 of 2017 dated 24.08.2018, the petitioner is before this court for appropriate relief by filing a petition under Section 482 Cr.P.C.

5.Therefore, this court is inclined to extend a further period of three months from the date of receipt of a copy of this order to settle the balance amount, failing which the bail granted by this Court shall stand vacated automatically without any further reference to the Court.

6.Accordingly this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police
S-15, Selaiyur Police Station
Selaiyur, Tambaram
Chennai.

CrI.O.P.No.28920 of 2018

SSD(CO)
GSP(20/02/2019)

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