

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.03.2019**

WEB COPY

CORAM**THE HONOURABLE MR. JUSTICE M.DHANDAPANI****Crl.O.P. (MD) No.2384 of 2019**

Karthick .. Petitioner/Defacto Complainant

Vs.

1.State through
Inspector of Police,
Kalakad Police Station,
Tirunelveli,
in Crime No.4 of 2019 .. 1st Respondent/Complainant

2.Ammanathan @ Manikandan .. 2nd Respondent/Petitioner

PRAYER: Criminal Original Petition is filed under Section 439(2) of the Code of Criminal Procedure, to cancel the bail for the 2nd respondent granted in Cr.M.P.No.223 of 2019 on 23.01.2019 on the file of the learned Judicial Magistrate Court, Nanguneri.

For Petitioner : Mr.K.Abiya

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)**ORDER**

This petition has been filed by the petitioner seeking to cancel the bail granted to the 2nd respondent by the learned Judicial Magistrate, Nanguneri, by order dated 23.01.2019 in Cr.M.P.No.223 of 2019.

2.The facts of the case is that the petitioner/defacto complainant is working as the Manager in the L&T Finance Company having its Branch Office at 33D, Mission School Street, Kalakad, Tirunelveli. The 2nd respondent/accused is a Collection Executive in the office. Further it is alleged that while he was working there, he had swindled a huge collection amount of Rs.3,82,250/- on 03.01.2019 and escaped from the office. Hence, the defacto complainant lodged a complaint against him. Thereafter, the accused surrendered before the Judicial Magistrate No.I, Tuticorin, on 08.01.2019. Then, he was produced before the Judicial Magistrate, Nanguneri, on 11.01.2019 and the remand was extended till 25.01.2019 and further till 05.02.2019. After 16



days of incarceration, the second respondent/accused was enlarged on bail. Against which, the present petition was filed for cancellation of bail.

3. The learned counsel for the petitioner would submit that since the accused swindled a huge amount, the petitioner/defacto complainant vehemently opposed to the grant of bail before the Court below. But without considering the contentions of the defacto complainant, the Court below has granted bail to the accused. Hence, he prayed to cancel the bail granted to the accused.

4. After considering the allegations and considering the period of incarceration only the court below has granted bail to the petitioner. Therefore, I did not find any infirmity in the order passed by the trial Court. Further, mere not recovering of the amount does not deprive the right of bail.

5. Accordingly, this criminal original petition is dismissed. However, it is open to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate, Nanguneri.

2. The Inspector of Police, Kalakad Police Station, Tirunelveli.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

TM

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