



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P. (MD) No.15942 of 2018

S.Subramanian

... Petitioner

Vs.

1.State Inspector of Police,
City Crime Branch,
Tirunelveli City,
(Crime No. Not Known)

2.Venugopal

... Respondents

PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of the Code of Criminal Procedure, to cancel the anticipatory bail granted in favour of the second respondent / accused in Cr.M.P.No.4221 of 2018 dated 01.08.2018 on the file of the learned Principal Sessions Judge, Tirunelveli.

For Petitioner: Mr.D.Saravanan
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1. Side)
For R2 : No Appearance

ORDER

The petitioner / defacto complainant has filed this petition to cancel the anticipatory bail granted in favour of the second respondent / accused in Cr.M.P.No.4221 of 2018, dated 01.08.2018 on the file of the learned Principal Sessions Judge, Tirunelveli.

2.The case of the petitioner is that the petitioner is the defacto complainant and he is one of the partner in Sivakami Jewellery, Tirunelveli, in which the second respondent herein is the Manager and he misappropriated a sum of Rs.55,07,012/-. Thereby, the defacto complainant has registered the complaint before the respondent police.

3.In his defence, the accused contended that before the trial Court, the alleged entire amount was deposited in the name of another partner of the said Jewellery. In order to implicate the second respondent, this false complaint has been lodged against him.



4.Considering the facts and circumstances of the case, the trial Court granted anticipatory bail to the second respondent herein on certain conditions that the second respondent herein / accused should sign before the respondent police daily once i.e., at 10.30 a.m., until further orders and he should make himself available for interrogation as and when required by the respondent police.

5.The learned counsel for the petitioner / defacto complainant would submit that none of the aforesaid conditions was complied with and the second respondent herein / accused did not co-operate with the investigation.

6.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that though the Principal Sessions Court has imposed certain conditions on the second respondent herein / accused, not even a single day, he has appeared before the respondent police. Since the second respondent herein / accused did not comply with the conditions imposed by the Principal Sessions Court, the Magistrate / trial Court is entitled to take appropriate action against the second respondent herein / accused in accordance with law as per the directions issued by the learned Principal Sessions Judge in its order dated 01.08.2018.

7.In the result, this petition is disposed of with a direction to the Law Enforcing Agency to take appropriate action against the second respondent herein / accused for non-compliance of the conditions.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Tirunelveli.

2.The Inspector of Police,
City Crime Branch,
Tirunelveli City.

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

+1CC TO Mr.D.Saravanan, Advocate, Sr No.53758

Crl.O.P. (MD) No.15942 of 2018
13.03.2019