

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO. 1383 of 2019

ORDER :

This Criminal Petition, under Section 439(2) of the Code of Criminal Procedure, 1973, (for short 'the Cr.P.C.') is filed by the petitioner/State to cancel the bail granted in favour of the respondent/A.1 *vide* order dated 24.06.2015 in CrI.P.No.5394 of 2015.

2. The averments of the petition are that after obtaining anticipatory bail, the respondent/A.1 has not turned up before the investigating officer and did not handover any documents. Hence, the investigating officer has issued notices to A.1 on 21.11.2015, 05.12.2015 and 07.08.2018 through post, but A.1 did not respond to it. Investigation in this case is yet to be completed. As the documents were not produced by the respondent/A.1, there is no progress in the investigation. The respondent/A.1 has failed to comply with the conditions imposed by this Court and also failed to produce any documents for investigation purpose. The documents which are in the custody of respondent/A.1 are essential for completion of investigation and filing of charge sheet. Unless the respondent/A.1 is taken into custody and interrogated, the documents cannot be secured for the purpose of investigation. Hence, this petition.

3. The respondent/A.1 has filed his counter-affidavit stating that after obtaining anticipatory bail, he did not receive any notices dated 21.11.2015, 05.12.2015 and 07.08.2018. In fact the respondent was telephonically informed to appear before the investigating officer on 14.08.2015. Accordingly, he appeared on the said date and submitted all the documents which are in his custody. Apart from that, the respondent on 15.08.2015 sent all the documents to the investigating officer by registered post with acknowledgment due along with a letter. The investigating officer has received the said letter along with the documents

on 20.08.2015. To substantiate the same, he filed the said acknowledgement along with the counter-affidavit. Thereafter, the respondent never received any notice from the investigating officer. After filing the present petition only, the respondent has got the information. The respondent has complied with the conditions imposed by this Court and produced all the relevant documents for the purpose of investigation which are in his custody. The present petition is filed only to harass the respondent and hence prayed to dismiss the petition.

4. Heard both sides. Perused the record.

5. During the course of arguments, learned counsel for respondent No.1-A.1 submitted that though he has already furnished the documents to the investigating officer as aforesaid, still he undertakes to furnish the documents which are in his possession, positively within a week.

6. Having regard to the facts and circumstances of the case and the undertaking being taken by respondent No.1, he shall appear in person before the investigating officer and submit all the documents or electronic records which are in his exclusive possession, for the purpose of investigation by Monday i.e., on 17.06.2019, failing which, the anticipatory bail which was granted by this Court on 24.06.2015 in CrI.P.No.5394 of 2015 shall automatically stands cancelled.

7. With the above direction/observation, the Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

13.06.2019
ssp

JUSTICE G. SRI DEVI