

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Twentieth day of November Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13434 of 2020

M.VENKATAGOPALAN

[ PETITIONER / INTERVENER  
DE-FACTO COMPLAINANT ]

vs

1 N.R.SENTHILKUMAR

[ 1<sup>st</sup> RESPONDENT / PETITIONER ]

2 STATE REPRESENTED BY  
INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
COIMBATORE CITY POLICE,  
COIMBATORE  
CRIME NO.7 OF 2019.

[ 2<sup>nd</sup> RESPONDENT / 1<sup>st</sup> RESPONDENT ]

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the Anticipatory Bail granted to the 1st respondent in Crl.O.P.No.31953 of 2019 dated 06.02.2020 on the file of this Honourable court

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. R.SIVAKUMAR Advocate for the petitioner and of MR. HARI, Govt. Advocate ( Crl. Side) on behalf of the 2<sup>nd</sup> Respondent the court made the following order:-

This petition has been filed to cancel the anticipatory bail granted to the first respondent by this Court in Crl.O.P.No.31953 of 2019 by an order dated 06.02.2020.

2. The case of the petitioner / defacto complainant is that the first respondent has cheated the defacto complainant to the tune of Rs.19,60,000/- and hence, a complaint was lodged against him, which resulted in the registration of the FIR in Crime No.7 of 2019. Apprehending arrest, the first respondent moved an anticipatory bail petition in Crl.O.P.No.31953 of 2019 and this Court by order dated 06.02.2020, granted anticipatory bail with certain conditions, one among which is that he should deposit a sum of Rs.2,63,000/- before the court concerned within a period of two weeks from the date on which the order copy made ready. However, the first respondent did not comply with the said condition as ordered by this Court. Hence, this petition.

3. The learned Counsel for the petitioner/defacto complainant would submit that though this Court granted anticipatory bail to the first respondent, subject to the condition that he should deposit a sum of Rs.2,63,000/- to the petitioner /defacto complainant within a period of two weeks from the date of receipt of a copy of this order, failing which, the anticipatory bail so granted will stand cancelled automatically, the first respondent has not complied with the said condition, till date and hence, he is not entitled to the benefit of anticipatory bail. Thus, the learned counsel prayed for cancellation of the anticipatory bail granted to the first respondent herein.

4. Though notice was served on the first respondent and his name has also been printed in the cause list, there is no representation on his behalf either in person or through counsel.

5. The learned Government Advocate appearing for the second respondent also confirmed that the first respondent herein has not complied with the said condition imposed on him, while granting anticipatory bail and he is absconding.

6. Considering the submissions made by the learned counsel for the petitioner / defacto complainant and the learned Government Advocate (Crl.Side) appearing for the second respondent and also taking note of the fact that the first respondent has not complied with the conditions as ordered by this Court, while granting anticipatory bail, this Court is inclined to cancel the anticipatory bail granted to the first respondent. Accordingly, the anticipatory bail granted to the first respondent herein by order dated 06.02.2020 in Crl.O.P.No.31953 of 2019 stands cancelled without any reference to the said Court.

7. In the result, the Criminal Original petition is allowed. No further order is required in this petition. The second respondent is directed to take appropriate action to secure the first respondent herein.

-sd/-  
20/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.VII,  
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

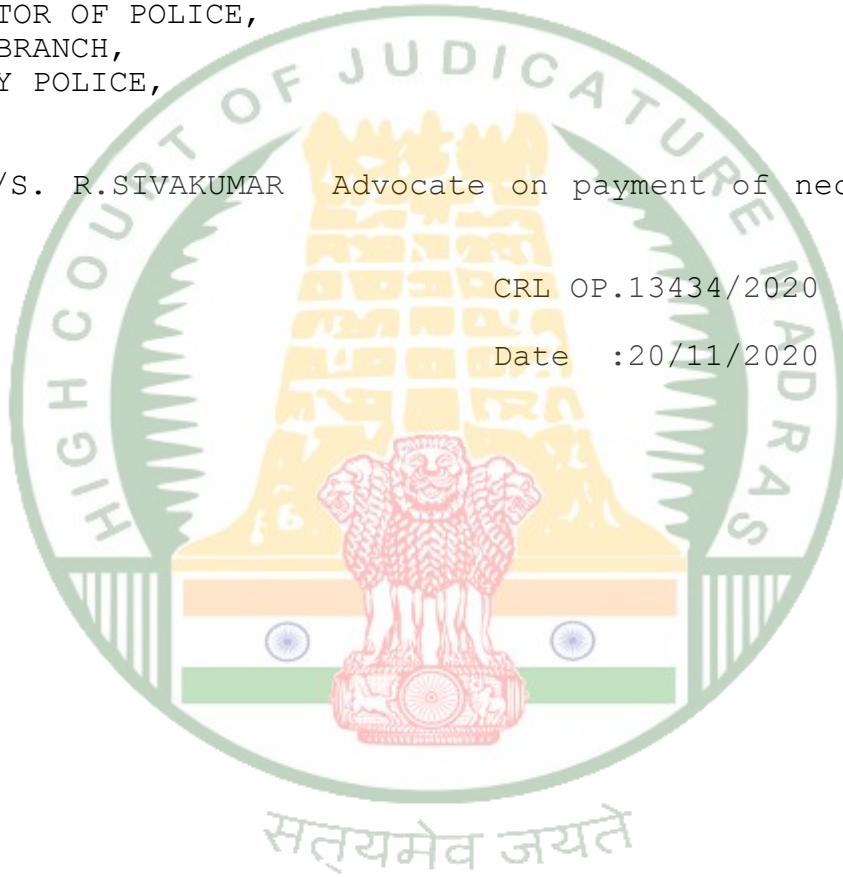
4 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
COIMBATORE CITY POLICE,  
COIMBATORE.

CC to M/S. R.SIVAKUMAR Advocate on payment of necessary  
charges

CRL OP.13434/2020

Date :20/11/2020

MK:01/12/2020



WEB COPY