

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.14598 of 2020

C.VIJAY ANAND

[PETITIONER / DEFACTO COMPLAINANT]

Vs

1 STATE REP BY,
INSPECTOR OF POLICE,
K-10,KOYAMBEDU POLICE STATION,
CHENNAI. [RESPONDENT / COMPLAINANT]

2 RAMESH [RESPONDENT / ACCUSED]

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the bail which was issued in CrI.OP.32009/2019 ordered on 26.02.2020 and pass such or further order.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.J.CHELLADURAI CALDWELL Advocate for the petitioner and of M/S.HARI, Govt. Advocate (CrI.Side) on behalf of the 1st Respondent the court made the following order:-

This petition has been filed to cancel the anticipatory bail granted to the second respondent by this Court in CrI.O.P.No.32009 of 2019 by order dated 26.02.2020.

2. The case of the petitioner / defacto complainant is that he was cheated by the second respondent under the guise of sale of used car to the tune of Rs.10,00,000/-, which resulted in the registration of the FIR in Crime No.1007 of 2019. Apprehending arrest, the second respondent moved an anticipatory bail petition in CrI.O.P.No.32009 of 2019 and this Court by order dated 26.02.2020 granted anticipatory bail with certain conditions, one of which is that he should pay the entire due amount to Tata Capital on or before 14.03.2020 and after getting NOC from Tata Capital, the same should be handed over to the defacto complainant. However, the second 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 second respondent, subject to the condition that he should pay the entire due amount to Tata Capital on or before 14.03.2020 and after getting NOC from Tata Capital, the same should be handed over to the defacto complainant, the second 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 second respondent herein.

4. Though notice was served on the second 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 (Crl.Side) appearing for the first respondent also confirmed that the second 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 first respondent and also taking note of the fact that the second 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 second respondent. Accordingly, the anticipatory bail granted to the second respondent herein by order dated 26.02.2020 in Crl.O.P.No.32009 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 first respondent is directed to take appropriate action to secure the second 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 METROPOLITAN MAGISTRATE NO.V,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

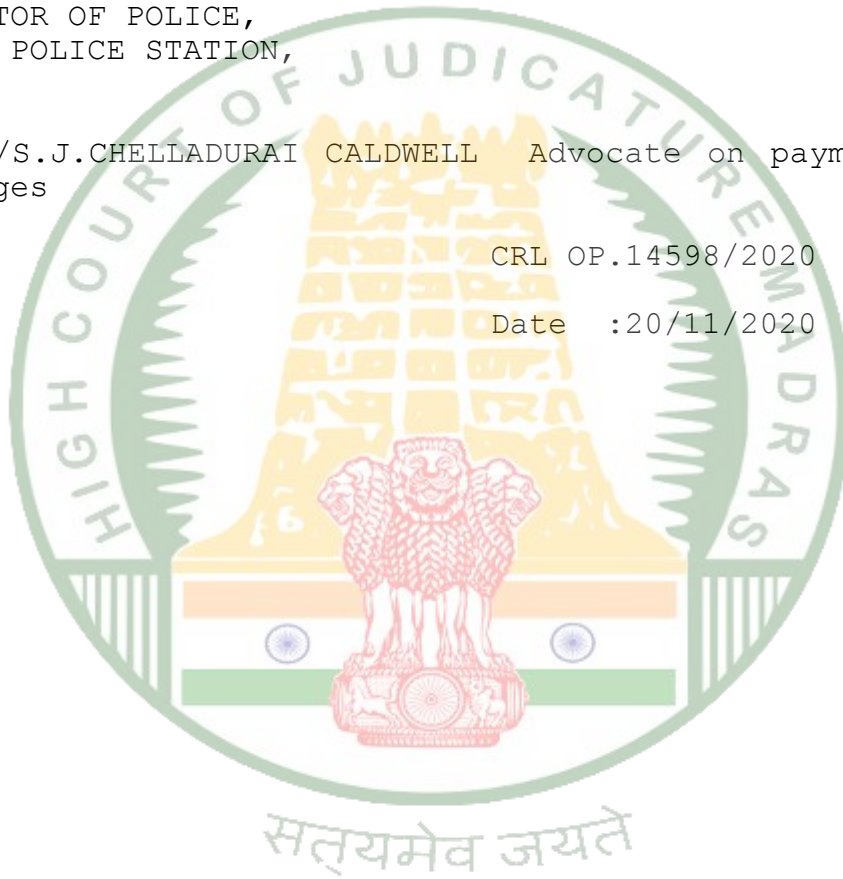
4 THE INSPECTOR OF POLICE,
K-10, KOYAMBEDU POLICE STATION,
CHENNAI.

CC to M/S.J.CHELLADURAI CALDWELL Advocate on payment of
necessary charges

CRL OP.14598/2020

Date :20/11/2020

MK:01/12/2020



WEB COPY