

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL MISCELLANEOUS PETITION No.16933 of 2019

IN CRL OP.28386/2012

1 N.GEETHALAKSHMI

2 M.AMUDHA

[PETITIONER /
RESPONDENT 2 & 3 PETITIONER]

Vs

1 STATE REP.BY
INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM. (CR.NO.11 OF 2012)

[RESPONDENTS / RESPONDENTS]

2 P.MURUGESAN

3 M.LATHA

4 M.VISWANATH

5 S.SENTHIL KUMAR

6 A.SELVARAJ

7 N.THAGAMANI

8 P.RAMASAMY

9 A.ELANGO

10 P.NAGALAKSHMI

(*) [R2 TO R10 ARE IMPEADED ALLOWED AS PER ORDER OF THIS COURT MADE
IN CRL.MP.18922/2019 IN CRL.OP.NO.28386/2012 DATED 20/12/2019]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to recall the order made in Criminal Miscellaneous Petition 4 of 2013 in Crl.OP.No.28386 of 2012 order dated 03/12/2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. MURUGENDRAN G., Advocate for the petitioner and of THE PUBLIC PROSECUTOR on behalf of the 1st Respondent the court made the following order:-

This petition has been filed to recall the order dated 03.12.2018 passed by this Court in Crl.M.P.No.4 of 2013 in Crl.O.P.No.28386 of 2012, thereby cancelling the anticipatory bail granted to the petitioners herein, on the application filed by the defacto complainants/victims to cancel the anticipatory bail granted to the petitioners, on the ground that the conditions imposed on them are not complied with.

2. It is seen that while granting anticipatory bail to the petitioners in Crl.O.P.No.28386 of 2012 by an order dated 02.04.2013, this Court imposed condition that the petitioners shall deposit a sum of Rs.1 crore to the credit of Crime No.11 of 2012 on the file of the first respondent herein. In fact, while pending the above said anticipatory bail petition, the second petitioner/A4 arrested and remanded to judicial custody. Subsequently, she was released by this Court by an order dated 23.01.2013 in Crl.O.P.No.866 of 2013. But unfortunately, both the counsel appearing for the petitioners as well as the respondents failed to bring the said fact to the notice of this Court. Therefore, this Court granted anticipatory bail to both the petitioners/A3 & A4 in Crl.O.P.No.28386 of 2012 by an order dated 02.04.2013, by imposing the condition that the petitioners shall deposit a sum of Rs.1 crore to the credit of Crime No.11 of 2012 on the file of the first respondent herein. Since the second petitioner/A4 was already arrested and released on bail, the said condition has become infructuous. Insofar as the first petitioner/A3 is concerned, she did not comply with the condition as imposed by this Court. Therefore, this Court by an order dated 03.12.2018, in Crl.M.P.No.4 of 2013 in Crl.O.P.No.28386 of 2012, cancelled the anticipatory bail already granted to the petitioners.

3. It is also seen that the first respondent/police completed the investigation and filed final report and the same has been taken cognizance in C.C.No.38 of 2013 on the file of the Special Court for TNPID Act, Coimbatore, and the same is pending for trial. Before the trial Court, the accused persons have settled nearly a sum of Rs.1 crore to the 28 depositors out of 180 depositors/victims. Hence the petitioners approached this Court with this petition to recall the order dated 03.12.2018 passed by this Court in Crl.M.P.No.4 of 2013 in Crl.O.P.No.28386 of 2012. Further the order passed by this Court cancelling the anticipatory bail granted to the petitioners/A3 & A4 cannot be recalled now.

4. Therefore, this Court is not inclined to recall the order passed by this Court in Crl.M.P.No.4 of 2013 in Crl.O.P.No.28386 of 2012 by an order dated 03.12.2018. However, the first petitioner/A3 is at liberty to file fresh anticipatory bail petition before this Court. Accordingly, this criminal miscellaneous petition stands dismissed.

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-sd/-

19/02/2020

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 ADDITIONAL SESSIONS JUDGE
(SPECIAL COURT OF TNPID CASES), COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM.

C.C. to M/S. MURUGENDRAN G. Advocate on payment of necessary
charges Sr.3284

Order

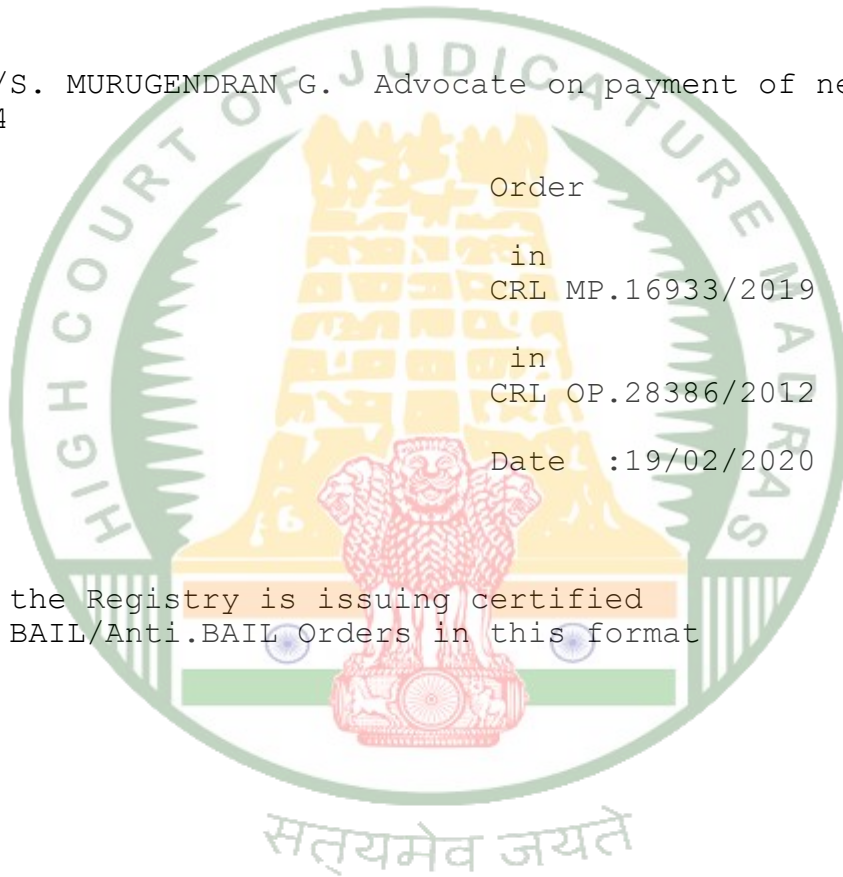
in
CRL MP.16933/2019

in
CRL OP.28386/2012

Date :19/02/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RVR 21/02/2020



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