

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty First day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.29984 of 2019

IN CRL.O.P.No.17040 of 2019

G.MAGESH

[PETITIONER /defacto complainant]]

Vs

1 STATE BY

[RESPONDENT/RESPONDENT]

INSPECTOR OF POLICE,
M1, MADHAVARAM POLICE STATION,
TIRUVALLUR DISTRICT.

2 V.P.SURESH

[RESPONDENT/ACCUSED]

Petition praying that in the circumstances stated therein the High Court will be pleased to CANCEL THE BAIL GRANTED BY THIS COURT TO THE RESPONDENT/ACCUSED IN Crl.o.p.No.17040 of 2019 on 01/07/2019 and direct the respondent/accused and sent him to judicial custody in the interest of justice and pass such further or other orders.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.S.BALASUBRAMANIAM Advocate for the petitioner and of M/S.L.CHARLES PREM KUMAR, Govt. Advocate (Crl. Side) on behalf of of the 1st Respondents, and of MR.K.SHANMUGAM Advocate on behalf of the 2nd Respondents, the court made the following order:-

This petition has been filed for cancellation of bail granted by this Court in Crl.O.P.No.17040 of 2019 by an order dated 01.07.2019. While granting bail to the second respondent, this Court imposed the conditions as follows:-

"5. It is seen that there is a dispute regarding the land sold out to the defacto complainant, and also A1 to A3, who are all family members, received Rs.25 lakhs as advance, in which they also returned some amount to the tune of Rs.10,00,000/- to the defacto complainant from the said amount. It is also seen that they are taking steps to rectify the defects in the revenue documents and also willing to register sale deed in favour of the defacto

complainant. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Thiruvottiyur and on further conditions that;

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

[g] the petitioner shall rectify the issues in the revenue documents and thereafter shall execute sale deed in favour of the defacto complainant, and if not settle the issues, he shall return the entire advance amount already received from the defacto complainant, failing which the bail granted to the petitioner stands automatically cancelled and the respondent Police is directed to secure the petitioner and remand to judicial custody."

2. Accordingly, this Court specifically directed that the petitioner shall rectify the issues in the revenue record and post the matter on 10.02.2020 for reporting compliance on 10.02.2020. The learned counsel appearing for the second respondent seeks further time to complete the condition.

3. Considering the submission made by the learned counsel for the second respondent, this Court granted further time till 20.02.2020 and adjourned the matter today. Today, the learned counsel appearing for the second respondent submitted that the second

respondent did not comply the condition imposed by this Court. This Court specifically directed the second respondent that he shall rectify the issues in the revenue records and thereafter shall execute sale deed in favour of the de-facto complainant. If not, he shall return entire advance amount already received from the defacto complainant. Failing which, the bail granted by this Court stands automatically cancelled. This Court granted bail to the second respondent on 01.07.2019. Now almost 8 months completed even then, the second respondent did not comply with the condition imposed by this Court. Accordingly, the bail granted to the 2nd respondent is hereby cancelled and the first respondent is directed to secure the second respondent and remand him to judicial custody in Crime No. 57 of 2019 and proceed in accordance with law.

-sd/-
21/02/2020

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 DISTRICT JUDGE
IV, PONNERI

2 THE JUDICIAL MAGISTRATE,
THIRUVOTTIYUR

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
M-1, MADHAVARAM POLICE STATION,
TIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.BALASUBRAMANIAM Advocate on payment of necessary charges SR.NO. 3453

+1 CC to M/S.K.SHANMUGAM Advocate on payment of necessary charges SR.NO.3508

CRL OP.29984/2019
IN CRL.O.P.No.17040 of 2019

Date :21/02/2020

TA-21/05/2020



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