

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Third day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.33209 of 2019

M.J.SANGEETHA

[PETITIONER]

DIRECTOR,

SRI KORAKKAR BENEFIT FUND LTD.,

Vs

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT.
CR.NO.3 OF 2017.

[RESPONDENTS]

2 R.VEERAPPAN

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to cancel the anticipatory bail granted by this Hon'ble Court to the 2nd respondent in Crl.OP.No.7256 of 2019 vide order dated 14.06.2019.

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.M.PALANIVEL, Advocate for the petitioner and of MR.ARULMOZHIMARAN, Government Advocate (Crl.side) on behalf of the 1st Respondent and of NO APPEARANCE on behalf of the 2nd Respondent the court made the following order:-

This petition has been filed to cancel the Anticipatory Bail granted by this Court in Crl.O.P.No.7256 of 2019 dated 14.06.2019 on the ground that condition imposed by this Court, the second respondent / accused did not comply the same.

2. On the complaint lodged by the petitioner for the de-facto complainants the First Information Report has been registered in Crime No.33/2017 for the offence under Section. 406, 420, 201 & 477 IPC on the file of the first respondent. Thereafter, as against the two accused, the second respondent arrived as second accused. He approached this Court for Anticipatory Bail in Crl.O.P.No. 7256 of 2019 and this Court, considering the facts and circumstances and granted Anticipatory Bail to the second accused / second respondent herein on the following conditions :-

"Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.3 of 2017, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Nagapattinam on condition that the petitioner shall execute 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 Magistrate concerned, failing which the petition for anticipatory bail shall stand dismissed and on further conditions that:

a) the petitioner and 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 deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.3 of 2017, within a period of four weeks from the date on which the order copy made ready.

c) the final order in respect of the said deposit shall be passed by the learned Trial Judge at conclusion of trial.

d) the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

e) the petitioner shall not tamper with evidence or witness either during investigation or trial.

f) the petitioner shall not abscond either during investigation or trial.

g) On breach of the 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 F.K.Shaji Vs. State of Kerela (2005) AIR SCW 5560).

h) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC."

3. While granting Anticipatory Bail, this Court specifically directed the second respondent / second accused to deposit a sum of Rs.10,00,000/- to the credit of Crime No.33/2017 within a period of four weeks from the date of receipt of the order before the concerned jurisdictional Magistrate. The learned Public Prosecutor submitted that after applying Anticipatory Bail, the second accused / second respondent did not even comply any one of the condition imposed by this Court. He did not even produce any surety before the concerned judicial magistrate and also did not comply the condition as depositing Rs.10,00,000/- to the credit of Crime No.33/2017 on the file of the second respondent. Even after receipt of the notice from this Court in cancellation of the Anticipatory Bail petition, the second respondent did not present before this Court either in person or through his counsel. Therefore, the second accused admittedly, did not comply with the condition imposed by this Court.

4. Considering the facts and circumstances, the Anticipatory Bail granted to the second respondent / second accused under as first respondent is hereby cancelled. The first respondent is directed to secure the second accused and proceed further in accordance with law.

-sd/-

03/02/2020

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 JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT.

+1 CC to M/S.M.PALANIVEL Advocate on payment of necessary charges
SR.No.2122