



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.4916 of 2020

Bhuvaneswari

... Petitioner

Vs.

1. The Inspector of Police (Crime),
D-3, Ice House Police Station,
Chennai -5,
(Crime No.20 of 2017)

2. P.Krishnamurthy

3.K.Bhavani

...Respondents

PRAYER: Criminal Original Petition is filed under Section 439(2) of Cr.P.C., to cancel the anticipatory bail granted to the respondents No.2 and 3 in Crl.O.P.No.16467 of 2018 dated 29.10.2018 by this Court.

For Petitioner : Mr.G.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The Criminal Original Petition has been filed seeking to cancel the anticipatory bail granted to the respondents No.2 and 3 in Crl.O.P.No.16467 of 2018 dated 29.10.2018 by this Court.

2. The second and third respondents filed an anticipatory bail application in Crl.O.P.No.16467 of 2018 wherein this Court vide order dated 29.10.2018 granted anticipatory bail to the accused recording the undertaken given by them that they will settle the entire amount due to the defacto complainant within a period of 70 days. Thereafter, the accused have settled Rs.1,00,000/- towards the value of jewels and failed to settle the entire due amount.

3. Since the said condition is not complied the accused filed a Crl.M.P.2515 of 2019 seeking extension of time to settle the amount and



this Court by an order dated 15.02.2019 granted extension of time to the accused to enable the petitioners to redeem all the jewels and handover the same to the defacto complainant failing which, the petition for anticipatory bail would stand automatically dismissed.

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4. In spite of grant of extension of time, the said order has not been complied and, therefore, the present petition has been filed by the petitioner/defacto complainant to cancel the anticipatory bail granted to respondents 2 and 3. Though service on the respondent/accused has been completed, however, they have not appeared before this Court.

5. In spite of receipt of the notice, the respondents/accused having not taken steps to appear before this Court either in person or through counsel after obtaining anticipatory bail from this Court, this Court directed issuance of Non -Bailable Warrant for the arrest of respondents 2 and 3 viz., P.Krishnamurthy and K.Bhavani on 14.06.2021 and further directed the 1st respondent is directed to secure the respondents 2 and 3 and produce them before this Court.

7. The learned Government Advocate appearing for the first respondent now submits that the respondents/accused are not residing in the said address and they are unable to secure the accused and they have also filed an affidavit to that effect.

8. In view of the above this petition is allowed and the anticipatory bail granted by this Court to the second and third respondents is recalled.

9. The first respondent is directed to take steps to secure the accused and remand them to Judicial Custody.

-sd/-
02/07/2021

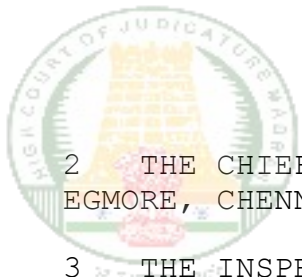
This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

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

TO

1 THE METROPOLITAN MAGISTRATE NO.XIII,
ALLIKULAM (EGMORE), CHENNAI



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

3 THE INSPECTOR OF POLICE (CRIME),
D-3, ICE HOUSE POLICE STATION,
CHENNAI-5.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. G.SARAVANAN Advocate on payment of necessary charges

CRL OP.4916/2020

Date :02/07/2021

MN-13/07/2021