



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12839 of 2021

B. Sekar

.....Petitioner/Defacto Complainant

Vs

1. Inbamadhivathanan

....Respondent/Petitioner/Accused-5

2. State by Inspector of Police, ...Respondent/Complainants
Puzhal Police Station,
Madhavaram
(Crime No.60 of 2021)

Prayer: Criminal Original Petition filed under Section 439(2) of Cr.P.C to cancel the anticipatory bail granted in Cr.O.P.No.5515 of 2021 dated 15.04.2021 in favour of the respondent/petitioner/accused No.5.

For Petitioner : Mr. S.Suresh

For Respondent : Mr. A. Gopinath,
Government Advocate (Crl. Side)

For 1st Respondent: Mr. A. Murugavel

ORDER

This Criminal Original Petition filed by the petitioner to cancel the anticipatory bail granted in Cr.O.P.No.5515 of 2021 dated 15.04.2021 in favour of the respondent/petitioner/A-5.

2. The case of the prosecution is that the petitioner/A5 along with A-3 and few others forged the documents and received a sum of Rs.11 Lakhs from the defacto complainant for registration of a property. Later, the defacto complainant came to know that the property does not belong to A5 and he has been cheated. When he asked to return the money, neither A5 returned the money nor registered the document in his favour. Hence the complaint.

3. This Court has granted anticipatory bail to A5 vide order dated 15.04.2021 on the undertaking given by A3 that he would pay a sum of Rs.11,00,000/- (Rupees Eleven Lakhs Only) directly to the defacto complainant on or before 01.06.2021.



4. The learned counsel for the petitioner/defacto complainant brought to the notice of this Court that since the undertaking given by A3 was not complied with, the anticipatory bail granted to A3 by this Court in Crl.O.P. No.4935 of 2021 vide order dated 15.06.2021 was cancelled. It is brought to the notice of this Court that A-5, who had obtained anticipatory bail on the said undertaking of A-3 had also not paid the amount and, therefore the present petition has been filed seeking cancellation of anticipatory bail granted to A5.

5. In view of the fact that the anticipatory bail granted to A-3 has already been canceled for non-compliance of the undertaking and further the fact that anticipatory bail was granted to A-5 only on the basis of the undertaking of A-3 and A-5 also not having paid the amount on the default committed by A-3, this Court is of the considered opinion that the anticipatory bail granted by this Court to A5 in Crl.O.P. No.5515 of 2021 vide order dated 15.04.2021 deserves to be cancelled.

6. Accordingly, this criminal original petition is allowed and anticipatory bail granted to A-5 in Crl. O.P. No.5515 of 2021 stands cancelled.

-sd/-

06/09/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
PUZHAL POLICE STATION,
MADHAVARAM, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SURESH Advocate on payment of necessary charges
SR.NO.9680

CRL OP.12839/2021

Date :06/09/2021