



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.17655 of 2021

1.Bashir Ahmad

2.Gulzar Ahmad Turey

.. Petitioners

/versus/

1.The State represented by its
Inspector of Police,
K-10, Koyambedu Police Station (crime),
Chennai.

2.K.Muzaffar Ahmed

3.M.Mohammed Raqhib

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 439 (i) (2) of Cr.P.C., praying to cancel the anticipatory bail granted in Crl.M.P.No.10635 of 2020 in Crime No.142 of 2020 dated 05.01.2021 on the file of the Principal District and Sessions Court, Chennai.

For Petitioner : M/s.L.Karthica

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed praying to cancel the anticipatory bail granted in Crl.M.P.No.10635 of 2020 in Crime No.142 of 2020 dated 05.01.2021 on the file of the Principal District and Sessions Court, Chennai.

2.The learned counsel appearing for the petitioners submitted that respondents 2 and 3, by giving false promise, obtained loan from the petitioners and thereafter, they failed to repay the amount as promised. The Principal District and Sessions Court, Chennai, by an order dated 05.01.2021 in Crl.M.P.No.10635 of 2020, had granted bail to the respondents 2 and 3. Against the said order, the petitioners/defacto



complainants have filed this criminal original petition for cancellation of the bail granted by the trial Court.

3. This Court, by an order dated 27.09.2021, directed to send notice to all the respondents. Accordingly, notices were sent to the respondents, but, as far as the second respondent is concerned, the notice returned as "insufficient address" and as far as the third respondent is concerned, the address of the third respondent cannot be located. Thereafter, by an order of this Court on 25.10.2021, this Court has directed the petitioner to effect paper publication in vernacular newspaper having circulation in the locality and file the proof of the same before this Court. Accordingly, on 13.11.2021 the paper publication was effected in English News Paper "Southern Mail" and the Affidavit of Service has also been filed before this Court on 30.11.2021.

4. On a perusal of the records, it could be seen that the notices were not served on respondents 2 and 3 and the paper publication has also been effected, which is prima facie supported as far as respondents 2 and 3 are concerned. By giving false address, they obtained bail and now they are absconded. Hence, the order passed by the trial Court in CrI.M.P.No.10635 of 2020 dated 05.01.2021 is cancelled. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(II)

//True copy//

Sub Assistant Registrar

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To:

1. The Principal Sessions Judge,
The Principal District and Sessions Court,
Chennai.
2. The Inspector of Police,
K-10, Koyambedu Police Station (crime),
Chennai.
3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.17655 of 2021

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