

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.20782 of 2020

Akilandeswari

...Petitioner

-Vs-

1. The State

Represented by Inspector of Police,
Team IV, EDF II,
Central Crime Branch,
Vepery, Chennai - 600 007.
(Crime No.470 of 2018)

2. S.Muralidharan

... Respondents

Prayer: Criminal Original petition filed under Section 439 (2) of Code of Criminal Procedure, to cancel the anticipatory bail granted to the 2nd respondent herein vide order dated 07.06.2019 in Criminal O.P.No.10003 of 2019, for non-compliance of the conditions in the order.

For Petitioner : Mr.S.Anil Sandeep

For Respondents: Mr.Charles Premkumar
Government Advocate (Crl.Side)
(for R1)

: Mr.K.S.Arumugam (for R2)

ORDER

This Petition has been filed to cancel the anticipatory bail granted to the second respondent in Crl.O.P.No.10003 of 2019 by an order dated 07.06.2019.

2. The learned counsel for the petitioner submitted that the second respondent, along with three others, have cheated the petitioner to the tune of Rs.3.65 crores, on the false assurance that the petitioner would be added as a partner of the existing 17 companies, which was already promoted by the second respondent and others. After receipt of the said amount, the second respondent and others did not induct the petitioner as a partner, and they did not pay any single paise as profit or gain to the petitioner, thereby, they have cheated to the tune of Rs.3.65 crores. Therefore, the

petitioner lodged a complaint and the same was registered in Crime No.470 of 2018 for the offences under Sections 420, 120-B r/w 34 of IPC on the file of the first respondent.

3. After registration of the FIR, the second respondent being the first accused, approached this Court for anticipatory bail. The petitioner also intervened in the anticipatory bail petition and objected to grant of anticipatory bail to the second respondent. After considering the objections and also the case of the petitioner, this Court granted anticipatory bail on condition that the second respondent shall deposit the original title deed standing in the name of the second respondent/his friends/his relatives worth of more than Rs.1 Crore to the credit of Crime No.470 of 2018 along with the valuation report obtained from the concerned authority, within a period of four weeks from the date on which the order copy would be made ready. Thereafter, the second respondent failed to deposit any title deed as directed by this Court and also till today, he did not execute any sureties. Therefore, the learned counsel for the petitioner sought for cancellation of anticipatory bail.

4. The learned counsel for the second respondent submitted that there is settlement talks between the petitioner and the second respondent herein and he also produced Demand Draft for sum of Rs.5 lakhs in favour of the petitioner herein.

5. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that even till today, the second respondent did not produce any sureties and also failed to deposit any title deed as directed by this Court.

6. Heard Mr.S.Anil Sandeep, learned counsel for the petitioner, Mr.K.S.Arumugam, learned counsel appearing for the second respondent and Mr.Charles Premkumar, learned Government Advocate (Crl.Side) appearing for the first respondent.

7. The second respondent was granted anticipatory bail registered in Crime No.470 of 2018 for the offences under Sections 420, 120-B r/w 34 of IPC on the file of the first respondent as follows:-

"7. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner on condition that he should deposit original title deed stands in the name of the petitioner/his friends/his relatives worth of more than Rs.1 crore to the credit of Crime No.470 of 2018 along with the valuation report obtained from the concerned authority 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for CCB and CBCID, Egmore (Allikulam), Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or to the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 original title deed stands in the name of petitioner/his friends/his relatives worth of more than Rs.1 crore to the credit of Crime No.470 of 2018 along with the valuation report obtained from the concerned authority 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 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]

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

8. This Court directed the second respondent to deposit the original title deed worth of more than Rs.1 Crore to the credit of Crime No.470 of 2018 along with the valuation report obtained from the concerned authority, within a period of four weeks from the date on which the order copy would be made ready. Admittedly, the second respondent had not deposited any

title deed as directed by this Court and also did not surrender before the concerned Jurisdictional Magistrate with the sureties. Therefore, the anticipatory bail granted to the second respondent is liable to be cancelled.

9. Accordingly, this Criminal Original Petition is allowed. The first respondent/Inspector of Police is directed to proceed in accordance with law as against the second respondent.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kv

To

1. The Inspector of Police,
Team IV, EDF II,
Central Crime Branch,
Vepery, Chennai - 600 007.
2. The Government Advocate (Crl.Side)
High Court of Madras.

Crl.O.P.No.20782 of 2020

MG(CO)
CB(08/03/2021)



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