



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

WEB COPY

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.1970 of 2020

B.R.Muralidhara

.. Petitioner

Vs.

1. S.Mathivanan

2. State Rep by

Inspector of Police,

J-5, Sasthri Nagar Police Station,

Adyar, Chennai - 600 020.

.. Respondents

PRAYER: Criminal Original Petition has been filed under Section 439 (2) of Cr.P.C praying to cancel the bail order passed by the Learned Sessions Judge in Crl.M.P.No.561 of 2020 and Crl.M.P.No.685 of 2020 (Intervene Petition) in Cr. No. 855 of 2019 dated 09.01.2020 pending before the J-5 Sasthri Nagar Police Station, Adyar, Chennai.

For Petitioner : Mr. M. Raju Sharma

For R1 : Mr. Niranjan Rajagopalan
for GR Associates

For R2 : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioner filed this petition to cancel the bail order passed by the Learned Sessions Judge in Crl.M.P.No.561 of 2020 and Crl.M.P.No.685 of 2020 (Intervene Petition) in Cr. No. 855 of 2019 dated 09.01.2020 pending before the J-5 Sasthri Nagar Police Station, Adyar, Chennai.

2. The petitioner herein is a de-facto complainant in Crime No. 855 of 2019. The trial Court has granted bail on 09.01.2020. Aggrieved by that, the petitioner seeks cancellation of bail on the ground that bail was granted on suppression of fact by the accused persons for getting bail. However, on perusing the records this Court finds that money transaction between the



defacto complainant and the accused person has led to registration of case in Crime No. 855 of 2019 for the offence under sections 406 and 420 of IPC.

3. The learned counsel for the petitioner submits that the modus operandi of the accused was to borrow money and promise fancy interest and thereafter he refused to repay the money or comply with the promise. He will give cheques to discharge the money and the cheques will not be honored. He had cheated several persons and there are cases in various Police Stations. Hence, bail should be cancelled.

4. Taking into consideration of the fact that the Court below had granted bail, this Court finds that there is no necessity to interfere with the bail granted by the Court below. Hence cancellation of bail does not arise.

5. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

Sma/Dsn

To

1. The Principal Sessions Judge,
Chennai.

2. The Inspector of Police,
J-5, Sasthri Nagar Police Station,
Adyar, Chennai - 600 020.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.GR Associates, Advocate SR.No.25168

+1cc to Mr.M. Raju Sharma, Advocate SR.No.25133

Cr1.OP.No.1970 of 2020

GSM(CO)

GMV(26/04/2022)