



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.3397 of 2022

IN CRL OP.19557 of 2018

L.NARMADHA

[PETITIONER / DEFACTO COMPLAINANT]

Vs

1 STATE REP BY
INSPECTOR OF POLICE,
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI 600118
(CRIME NO.864 OF 2018)

[1st RESPONDENT]

2 C.SRINIVASAN

[2nd RESPONDENT / PETITIONER]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Direct the 1st respondent police to take necessary action as against the 2nd respondent in view of his non-compliance of the condition made in Crl.OP.19557/2018 dated 14.09.2018 and thus render justice

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S W.CAMYLES GANDHI, Advocate for the petitioner and of MR.C.E.PRATAP, Govt. Advocate (Crl. Side) on behalf of the 1st Respondents and M/S.L.SRILEKA, Advocate for the 2nd respondent the court made the following order:-

This petition has been filed to direct the 1st respondent Police to take necessary action as against the 2nd respondent in view of his non compliance of the condition made in Crl.O.P.No.19557 of 2018, dated 14.09.2018.



2. The case of the prosecution is that the defacto complainant was working as staff in the 2nd respondent's real estate company in the name and style of M/s.Golden Home Land Promoters at Perambur. The defacto complainant gave money and jewels to the 2nd respondent for purchasing land at Vepampattu. Initially she gave a sum of Rs.5 lakhs as advance and subsequently gave a sum of Rs.10 lakhs in instalments. The 2nd respondent is working as staff in ICF, Central Government Concern. But the 2nd respondent neither repaid the amount nor purchased the property for her. The 2nd respondent also refused to pay salary for the defacto complainant and hence she resigned the job. Thereafter, when the 2nd respondent asked to repay the money, he threatened the defacto complainant and her family members. Hence, the defacto complainant lodged a case against the 2nd respondent.

3. Aggrieved by the same, the 2nd respondent has filed Crl.O.P.No.19557 of 2018 for grant of anticipatory bail and this Court vide order dated 14.09.2018, had granted an order of anticipatory bail, on condition that the petitioner shall deposit a sum of Rs.7,00,000/-. However, the 2nd respondent has failed to comply with the conditions. Hence, the petitioner has filed this present petition.

4. The learned counsel appearing for the petitioner submitted that on an earlier occasion, the 2nd respondent has filed a Modification Petition in Crl.M.P.No.15242 and 15243 of 2018, and the same was disposed vide order dated 16.11.2018 with the direction to deposit the amount within three weeks. Despite the same, the 2nd respondent again disobeyed the order and failed to deposit the said amount in the credit of crime number and hence prays for appropriate orders.

5. This Court has carefully considered the submission of the learned counsel for the petitioner and also perused the materials available on record.

6. Pursuant to the notice issued to the 2nd respondent, he has filed the counter affidavit, wherein it was stated that due to his unemployment and financial crisis, he could not able to deposit Rs.7,00,000/- as ordered by this Court within the prescribed time limit. Though vide modification and extension of time petition, this Court had extended further period of three weeks for compliance of the order, again he could not able to pay the amount.

7. Considering the above facts and circumstances, this Court is of the view that the 2nd respondent on his own volition only accepted to deposit a sum of Rs.7,00,000/- and eventhough reasonable time has been extended, he has not able to deposit the said amount and hence, this Court is inclined to pass the following order.



8. Since the petitioner has failed to comply the condition imposed by this Court, as ordered by this Court, the anticipatory bail would automatically stands vacated and further it is needless to state that it is the duty of the 1st respondent police to take action against the 2nd respondent, on non compliance of the order of this Court.

9. In view of the above, this Criminal Miscellaneous petition is allowed and the 1st respondent is directed to take action against the 2nd respondent in accordance with law.

-sd/-

22/04/2022

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.V, EGMORE, AT ALLIKULAM, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI 600118

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges

Order
in
CRL MP.3397/2022
in
CRL OP.19557/2018

Date :22/04/2022

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JPA 29/04/2022