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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.03.2022

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THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition Nos.14393 & 14394 of 2017

Crl.O.P.No.14393 of 2017

S.Saravanan,
S/o.Swaminathan,
No.49, Gandhi Nagar,
Attur, Salem District.

... Petitioner/De-facto complainant

/versus/

1. T.Mannan,

... Respondent/Accused No.1

2. The State of Tamil Nadu,
Rep.by its Inspector of Police,
District Crime Branch, Salem,
(Crime No.28 of 2014)

... Respondent/Complainant

Prayer: This Petition for cancellation of Bail under Section 439 (2) of the Code of Criminal Procedure Code 1973, praying to cancel the anticipatory bail granted in Crl.O.P.No.24007 of 2014 on 09.09.2014.

For Petitioner : Mr.S.D.Ramalingam

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

Crl.O.P.No.14394 of 2017

S.Saravanan,
S/o.Swaminathan,
No.49, Gandhi Nagar,
Attur, Salem District.

... Petitioner/De-facto complainant

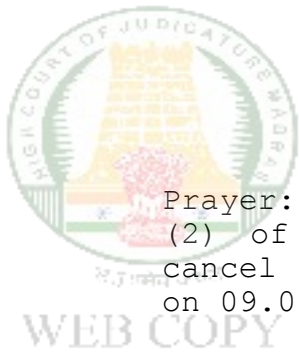
/versus/

1. Chandramohan Pany,

... Respondent/Accused No.2

2. The State of Tamil Nadu,
Rep.by its Inspector of Police,
District Crime Branch, Salem,
(Crime No.28 of 2014)

... Respondent/Complainant



Prayer: This Petition for cancellation of Bail under Section 439 (2) of the Code of Criminal Procedure Code 1973, praying to cancel the anticipatory bail granted in Crl.O.P.No.24008 of 2014 on 09.09.2014.

For Petitioner : Mr.S.D.Ramalingam

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

COMMON ORDER

These Criminal Original Petitions are filed by the petitioner/S.Saravanan to cancel the anticipatory bail granted in Crl.O.P.Nos.24007 & 24008 of 2014, on 09.09.2014

2. These Criminal Original Petitions are filed by the petitioner/Saravanan, for cancellation of anticipatory bail granted to the respondent/accused Nos.1 & 2, by this Court in Crl.O.P.Nos.24007 and 24008 of 2017 on 09.09.2014. The short grounds is that, the persons who have availed the protection from arrest, failed to comply the bail conditions.

3. To ascertain the said averments, this Court directed the Government Advocate (Crl.Side) to file status report about the compliance of the bail conditions.

4. The respondent police has filed a detailed report which reads as below:-

"1. I submit that one Mannan (the associate of the petitioner), has been carrying out the business of producing and distributing films for the last several years.

2. Submit that during the course of his business, one Saravanan (defacto complainant) said to have approached the said Mannan the associate of the petitioner, and expressed his willingness to join in the process of producing Tamil film. The producer Mannan and defacto complainant joined together and took part in the process of production. The defacto complainant consented to finance the film. The petition's associate Mannan agreed for 20% of profit while distributing film after completion. Both of them agreed to be partners in the said business.

3. I submit that both of them were



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agreed to the terms and condition laid down in the agreement. The petitioner's associate (Mannan) have violated certain conditions contemplated in the agreement and refused to hand over the first copy of the film to one Saravanan, the defacto complainant, herein who is actually entitled to receive the same.

4. The respondent submits that the defacto complainant have spent lot of money on outdoor suiting that took place in various places, believing the said Mannan.

5. I submit that after the completion of the production, the said Mannan turned back and took all efforts to produce the film independently joining hands with the accused Chandramohan Pany

6. I submit that the said accused 'Chandramohan Pany' is the authorised person to issue gate pass to take the first copy of the film out of his premises, for carrying out onward action like taking as many copies as necessary.

7. I submit that in the above matter the accused Thiru 'Chandramohan Pany' had given the gate pass to defacto complainant to take delivery of the first copy entitling 'pechiakka marumagan' and was allowed to release the film independently. Thereupon, before causing delivery of the film the above said petitioner 'General Manager of the Reliance media works limited' have joined hands with his associate and attempted to cause delivery of the same to different persons. His dishonest intention in doing so amounts to an offence of Cheating.

8. I submit that defacto complainant, having been aggrieved of the conduct of the petitioner, preferred a complaint to the District Crime Branch Salem for necessary action. The Sub Inspector of Police 'Vijayakumari' registered a case against Al Mannan and A2 'Chandramohan Pani' u/s 420, 506 (I) and 120 (B) of Indian penal code.

9. I submit that A2 Chandramohan Pani, thereupon, has filed a bail application before this Hon'ble Court u/s 438 of Criminal Procedure Code. In the above matter he was granted bail, with a direction to appear before the XVIII Metropolitan



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Magistrate, Saidapet, within 15 days of the receipt of the copy of the bail order.

10. I submit that the A2 Chandramohan was also directed to execute a bond for a sum of Rs 10,000/- with two sureties each for a like sum to the satisfaction of the said Magistrate.

11. I Submit that the A2 Chandramohan was also directed to report before the respondent police as and when required for interrogation. However, he did not tender his appearance before the respondent.

12. I submit that the petitioner has not surrendered before the XVIII Metropolitan Court at Saidapet. He has deliberately neglected to carry out the directions of this Hon'ble Court.

13. I submit that the modification petition filed by the A2 Chandramohan Pany before the Hon'ble High court make an order the accused appear before to the respondent police from 01.08.2016 to 14.08.2016 at 07.00 PM but did not obey the Hon'ble court conditions violating the same.

14. I submit that the both accused above mentioned had violated the bail conditions issued by this Hon'ble Court. The progress of investigation is delayed due to the non-appearance of the petitioner before the respondent, and do not deserve any modification on bail conditions"

5. The above report indicates that the petitioners in Crl.O.P.Nos.24007 & 24008 of 2014, who were granted anticipatory bail on condition, have not complied the order passed by this Court. Since the respondents/accused Nos.1 & 2 has failed to comply the bail condition, the Anticipatory bail granted to the petitioners in Crl.O.P.Nos.24007 and 24008 of 2014 stands canceled. Accordingly, these Criminal Original Petitions Nos.14393 and 14394 of 2014 to cancel the bail are allowed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

To:-



1. The Inspector of Police, District Crime Branch, Salem.

2. The XVIII Metropolitan Magistrate, Saidapet

3. Do Through The Chief Metropolitan Magistrate, Egmore, Chennai.

4. The Public Prosecutor
High Court, Madras.

+lcc to the M/s.R.Ramya, Advocate S.R.No.15604

CrI.O.P.Nos.14393 & 14394 of 2017

NK(CO)
SB(22/03/2022)