



Crl.O.P.No.3709 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.3709 of 2023

M.Senthil Kumar

... Petitioner/De facto complainant

Vs.

1.The State of Tamil Nadu,
Represented by
The Inspector of Police,
T3 Korattur Police Station,
Chennai.

... first respondent/Complainant

2.Prabhu

... second respondent/1st Accused

Prayer: Criminal Original Petition is filed under Section 439 (2) of Cr.P.C.,
pleaded to cancel the bail granted in C.M.P.No.248 of 2023 in Crime No.536
of 2022 of Korattur Police Station on 30.01.2023 by the learned Judicial
Magistrate, Ambattur.

For Petitioner : Mr.P.Johnson

For Respondents :

For R1 : Mr.N.S.Suganthan
Government Advocate
(Criminal Side)

For R2 : Mr.Balaji Sankara Moorthy



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ORDER

This Criminal Original Petition has been filed by the petitioner to cancel the bail granted to the second respondent by the learned Judicial Magistrate, Ambattur vide order dated 30.01.2023 in C.M.P.No.248 of 2023.

2. The learned Counsel for the petitioner would submit that the petitioner is the de facto complainant in Crime No.536 of 2022 registered against the second respondent and his wife for the offences punishable under Sections 420, 406, 466, 468 and 506(i) of IPC. The second respondent and his wife have on the false assurance/promise of securing job for the petitioner's brother's son, had received a sum of Rs.7,00,000/- in the year 2017 and they have cheated the petitioner and later, when the petitioner had demanded money, they have threatened the petitioner with dire consequences. He would further submit that the second respondent/A1 was arrested on 02.12.2022 and he had filed a petition seeking bail before the learned Judicial Magistrate, Ambattur in C.M.P.No.248 of 2023 and the learned Judicial Magistrate, Ambattur, had granted bail to the second respondent/A1 on 30.01.2023. He would further submit that the second



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respondent/A1 had mislead the Court and the respondent police have also stated that the investigation was almost over. He would further submit that A2 in this case, wife of the second respondent/A1 had already obtained anticipatory bail by this Court in Crl.O.P.No.1309 of 2023, whereas, this Court by its order dated 30.01.2023, had directed A2, wife of the second respondent/A1 to deposit a sum of Rs.3,00,000/- to the credit of Crime No.536 of 2022 before the concerned Magistrate/learned Judicial Magistrate, Ambattur and also to deposit the Original Title Deeds worth about Rs.2,00,000/-, whereas, A2, wife of the second respondent/A1 has not complied with the condition and thereby, the present petition has been filed seeking to cancel the bail granted to the second respondent/A1 in C.M.P.No.248 of 2023.

3. The learned Government Advocate (Criminal Side) for the first respondent police would submit that based on the complainant given by the petitioner, a case was registered in Crime No.536 of 2022 by the first respondent police for the offences punishable under Sections 420, 406, 466, 468 and 506(i) of IPC against the second respondent and his wife. He would



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further submit that the second respondent/A1 was arrested on 02.12.2022 and despite the objection made by the first respondent police, the trial Court finding that the second respondent/A1 was in judicial custody from 02.12.2022 for a period of 59 days and also finding that the preliminary investigation was over, had granted bail to the second respondent/A1. He would also submit that A2, wife of the second respondent/A1 in this case was granted conditional bail/interim anticipatory bail, whereas, she has not complied with the condition, the conditional bail/interim anticipatory bail granted to A2, wife of the second respondent/A1 had also been cancelled and the respondent police are also taking steps in accordance with law. He would further submit that the respondent police are taking steps to secure A2.

4. Mr.Balaji Sankara Moorthy, learned Counsel appearing for the second respondent would submit that a case of financial dispute has been falsely projected as a case of job racketing. He would further submit that the second respondent/A1 was arrested on 02.12.2022 and the second respondent/A1 had not suppressed any thing and the trial Court finding that



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the second respondent/A1 was in judicial custody for about 59 days and also finding that preliminary investigation has been completed, has granted bail to the second respondent/A1. He would further submit that the second respondent/A1 after came out on bail, duly complying with the conditions regularly and there is no infraction or violation of the condition imposed by this Court. He would further submit that the second respondent/A1 has not made out any ground for cancelling the bail.

5. Heard the learned Counsel for the petitioner, learned Government Advocate (Criminal Side) for the first respondent and the learned Counsel for the second respondent. I have perused the entire materials available on record.

6. The second respondent, who is the first accused in Crime No.536 of 2022 has been arrested on 02.12.2022 and after a period of 59 days of incarceration, the trial Court had granted bail to the second respondent/A1 on 30.01.2023 in C.M.P.No.248 of 2023.



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7. A perusal of order shows that the trial Judge had taking into consideration the period of incarceration and also finding that the preliminary investigation got over, has granted bail to the second respondent/A1.

8. Therefore, I find no reasons to interfere with the order passed by the trial Judge for grant of bail.

9. In view of the above, this Criminal Original Petition is dismissed.

14.03.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Judicial Magistrate Court,
Ambattur.
2. The Inspector of Police,
T3 Korattur Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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