



Crl.O.P.No.24628 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.24628 of 2023

Geetha

...Petitioner / defacto complainant

Vs.

1. The Inspector of Police
Central Crime Branch Police Station,
Salem City
Crime No. 26 of 2023 ... Respondent /Respondent
2. Kannan
3. Venkatachalam
4. Murugan
5. Elumalai ... Respondents/Petitioners

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C. praying to cancel the bail granted to the respondents 2 to 5 by the order dated 05.10.2023 in Crl.M.P.No. 4994 of 2023 on the file of the learned Judicial Magistrate No.II, Salem, regarding Cr.No. 26 of 2023 on the file of the first respondent.



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For Petitioner : Mr. R.Nalliyappan

For 1st Respondent : Mr. R.Vinoth Raja
Government Advocate, (Crl. Side)

ORDER

The defacto complainant has filed the present Petition seeking cancellation of bail granted to the accused Nos. 1, 4, 5 & 6 in Crime No. 26 of 2023 which had been registered for offences punishable under Sections 120(b), 408, 465, 467, 468, 471, 477A, 109 IPC and Section 66C, 43(d), 43(i), 66 of Information Technology Act.

2. All the respondents had been remanded to judicial custody on 16.09.2023. The facts in brief are that the defacto complainant is running a multiplex theatre and all the accused were working in various posts of Manager, Computer Operator, Ticket Collector and such other posts.



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3. It is the specific allegation that between the years 2019-2023, the accused had printed forged tickets and had sold them and taken away that particular sales amount for their personal gain. This amount, finally, according to the defacto complainant has multiplied to Rs.96,03,108/-. It was on this basis that the complaint was lodged and the FIR had been registered. Four of the accused namely, the accused Nos. 1, 4, 5 & 6 sought bail in Crl.M.P.No. 4994 of 2023 and file that application before the learned Judicial Magistrate No.II, Salem. The learned Judicial Magistrate No. II, Salem, by an order dated 05.10.2023 after taking into consideration the application filed by the intervenor / defacto complainant in Crl.M.P.No. 5265 of 2023 had thought it fit that the bail could be granted to the petitioners. Conditions were imposed to appear before the respondent and not to abscond during the course of trial and not to tamper with the evidence.

4. The main grievance on which the present petition seeking cancellation of that particular order has been filed is that no condition has been imposed by the learned Judicial Magistrate to deposit atleast a



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portion of the amount alleged to have been misappropriated. But however, the cancellation of bail which is interference with liberty already granted by a competent Court, has to be exercised cautiously. It has to be first examined whether any conditions for which the bail order had been violated or not. If they had been violated then the order of bail could be cancelled or set aside. But the mute question which arises for consideration in this case is whether this Court can super impose a further condition quite apart from conditions already stipulated by the learned Judicial Magistrate and find fault with the Judicial Magistrate for not having impose a particular condition which this Court is of the opinion should be imposed and therefore cancel bail. As the Court cannot impose any additional condition particularly deposit of any amount at this stage, and more over, the Court cannot also direct any Magistrate who is examining the discretion in the issues of bail, and grant bail. That would be judicial interference with work assigned to that Magistrate. Therefore, it would only be appropriate that the defacto complainant / petitioner herein concentrates on evidence to be let in during the course of trial and assists the prosecution to establish the case



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beyond reasonable doubt. The order granting bail cannot be interfered with on the ground that a particular condition had not been imposed particularly, a condition directing deposit of amount. Therefore, on that narrow ground, I am not inclined to interfere with the order granted. This Criminal Original Petition stands dismissed.

Vsg

12.12.2023

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To

1. Judicial Magistrate No.II, Salem.
2. The Inspector of Police
Central Crime Branch Police Station,
Salem City.
3. The Public Prosecutor,
High Court, Madras.



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C.V.KARTHIKEYAN, J.

vsg

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