



Crl.O.P.No.870 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

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

Crl.OP.No.870 of 2023

R.Madasamy ...Petitioner / Victim of one of the detenue-
facto complainant

Vs.

1. The State
Represented by the Inspector of Police
EDF III, Team-XX-A,
Central Crime Branch (C.C.B)
Egmore, Chennai. ... Respondent/Complainant
2. P.Raja
... Respondent/ Sole-Accused

PRAYER:Criminal Original Petition is filed under Section 439(2) of Cr.P.C. praying to cancel the bail order in Crl.M.P.No. 37819 of 2022 in CNR.No.TNCHOF-049523-2022 in CCB Cr.No. 07/2022 by the trial Court in favour of the accused.



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For Petitioner : MrT.V.G. Kartheeban

For 1st Respondent : Mr. S.Vinoth Raja
Government Advocate, Crl. Side

For 2nd Respondent : No apperance

ORDER

The petitioner seeks cancellation of the order in Crl.M.P.No. 37819 of 2022 passed by the learned Metropolitan Magistrate, For Exclusive Trial of CCB Cases (Relating to cheating cases in Chennai), and CBCID Metro Cases, Egmore, Chennai – 08 whereby on 25.11.2022, the learned Metropolitan Magistrate had granted bail to the petitioner/accused by imposing condition of deposit of Rs.50,000/- to the credit of the crime number and that he should also executed bone for a sum of Rs.25,000/-.

2. The learned counsel for the petitioner herein, who seeks cancellation of bail claims that the petitioner has been cheated to a sum of Rs.10,00,000/- and therefore claims that the condition of Rs.50,000/-



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is very meagre amount and the petitioner would not in position to recover the balance amount. But however, the Court cannot cancel the judicial order granting bail which would impinge upon the liberty of the accused therein particularly when the accused had not violated the conditions of the order.

3. The petition seeking cancellation of bail may not strictly lie.

In view of that, this Criminal Original Petition stands dismissed.

4. It is open to the petitioner to lead evidence during the course of trial and establish the amount which he had actually been cheated and impress upon the trial Court to pass appropriate orders of conclusion of trial. The petitioner may also file appropriate application if he so advised.

Vsg

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C.V.KARTHIKEYAN, J.

vsg

To

1. The Inspector of Police
EDF III, Team-XX-A,
Central Crime Branch (C.C.B)
Egmore, Chennai.
2. The Public Prosecutor,
High Court of Madras.

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