



Crl.O.P.No. 31671 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No. 31671 of 2022

E.Mariappan,
S/o. Esakki

... Petitioner

Versus

1. State rep. by
The Inspector of Police,
M4, Red Hills Police Station,
Chennai.
(Crime No.684 of 2022)

2. V.Nandagopalan,
S/o. Venkatasamy

3. N.Santhikumari,
W/o. V.Nandagopalan

... Respondents

PRAYER : Criminal Original Petition filed under Section 439 (2) of the Code of Criminal Procedure, praying to cancel the bail order dated 08.12.2022 in Crl.M.P.No. 5151 of 2022 on the file of learned Principal District and Sessions Judge at Tiruvallur in Crime No.684 of 2022 on the file of 1st respondent, consequently directing the 1st respondent to arrest the



CrI.O.P.No. 31671 of 2022

2nd and 3rd respondents and commit them to judicial custody in accordance with law.

For Petitioner : Mr.S.Mohamed Ansar

For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (CrI. Side) for R1

Mr.Elanjchezhen for R2 and R3

ORDER

The petitioner herein is the defacto complainant viz., E.Mariappan filed this petition praying to cancel the bail granted to the respondents 2 and 3 in CrI.M.P.No.5151 of 2022 on the file of Principal District and Sessions Judge, Tiruvallur dated 08.12.2022 pertaining to Accused No.1 and 2 in Crime No. 684 of 2022 for the alleged offence under Sec. 294(b), 406, 420, 506(i) r/w 34 I.P.C. on the file of 1st respondent.

2. Earlier, when the matter taken up for hearing on 03.03.2023, the learned counsel for 2nd and 3rd respondent produced an affidavit signed by the petitioner. As per the terms of affidavit, the 2nd and 3rd respondents agreed to deposit the amount without prejudice to their claims. Therefore, four weeks time granted to them to deposit an amount of Rs.10,00,000/- and



CrI.O.P.No. 31671 of 2022

on such deposit, the defacto complainant was directed to withdraw the same by filing undertaking affidavit.

3. Today, when the matter taken up for hearing, Mr.S.Mohamed Ansar, learned counsel for petitioner appeared and submitted that the respondents 2 and 3 not deposited the amount as they submitted before this court by filing an undertaking affidavit.

4. Heard and considered rival submissions of learned counsel for petitioner as well as respondents and perused the records.

5. Considering the fact that the respondents 2 and 3 have not deposited the amount as per terms of the undertaking affidavit agreed by them, this Criminal Original Petition is allowed and accordingly, the bail granted by the learned Principal District and Sessions Judge, Tiruvallur in CrI.M.P.No. 5151 of 2022 dated 08.12.2022 to the respondents 2 and 3 is cancelled.

22.06.2023

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To

1. The Inspector of Police, M4, Red Hills Police Station, Chennai.
2. The Public Prosecutor, High Court, Madras.

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Crl.O.P.No. 31671 of 2022

T.V.THAMILSELVI, J.

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Crl.O.P.No. 31671 of 2022

22.06.2023