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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.3799 of 2024

M.Jagadeesan

... Petitioner

Vs.

1.R.Ravikumar
2. The State Rep by.
The Sub-Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai.
Crime No. 533 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439(2) of Cr.P.C., pleaded to cancel the bail granted by the learned X Metropolitan Magistrate, Egmore in CrI.MP. No. 55575 of 2023 in crime No. 533 of 2023 to the first respondent/accused-1.

For Petitioner	: Mr. C.P.Sivamohan
For R1	: Mr.V.R.Appaswamee
For R2	: Mr.Meganathan



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Government Advocate (Crl. side)

ORDER

This petition has been filed to cancel the bail granted by the X Metropolitan Magistrate, Egmore in Crl.MP. No. 55575 of 2023 in crime No. 533 of 2023 to the first respondent/accused-1.

2. Heard both sides.

3. The case of the prosecution is that the petitioner is the senior citizen who is aged about 68 years, the first respondent and other accused persons approached the petitioner and requested to lend Rs.15 lakhs for renovation of their property and also for the marriage expenses of the third accused/Latha. Thereafter, the petitioner had paid a sum of Rs.13 lakhs to the accused person in the year 2019 and as a security for due payment of said amount, the title deeds of the property standing in the name of the first respondent were handed over to the defacto complainant. The accused persons assured that they would repay the said amount together with interest within a period of six months from January 2019 but they failed to repay the same. Subsequently, the accused requested the defacto complainant to return the documents to enable them



to sell the property and accordingly the defacto complainant returned the documents/title deeds. But the accused sold the property did not return the loan amount. Thereafter, when the petitioner demanded for repayment he was abused by the accused and also cheated the petitioner. Hence, the complaint was lodged by the petitioner and the case was registered by the respondent police in crime No. 533 of 2023. Subsequently, the first respondent was remanded to judicial custody and he obtained bail in CrI.MP. No. 55575 of 2023. In the meanwhile, the first respondent filed the quash petition and obtained stay. Challenging the bail order dated 11.12.2023, the petitioner filed this petition.

4. On perusal of the records, it reveals that the first respondent obtained loan from the petitioner by obtaining title deeds. Thereafter, the first respondent requested the petitioner to return the title deeds. On believing the words of the first respondent the petitioner returned the title deeds but he sold the said property not returned the loan amount. While so, the first respondent claimed that he never borrowed the loan from the petitioner and also filed the petition before this Court to quash the FIR after obtaining the bail. On seeing the conduct of the first respondent, he



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deliberately attempted to evade the investigation which also amount to non cooperation for the investigation proceedings. Hence, this Court is inclined to cancel the bail granted to the first respondent in CrI.MP. No. 55575 of 2023. Accordingly, this petition is allowed.

04.06.2024

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T.V.THAMILSELVI, J.

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