



Crl.M.P.No.7974 of 2024
in Crl.O.P.No.12424 of 2023

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A.D.JAGADISH CHANDIRA, J.

This Criminal Miscellaneous Petition has been filed seeking to cancel the anticipatory bail granted by this Court to the second respondent herein in Crl.O.P.No.12424 of 2023 on 21.06.2023.

2. It is the case of the petitioner that the petitioner/*de facto* complainant is the District General Manager (HR) of Rajasriya Auto Motive Industries Private Limited, Hosur which is involved in the business of manufacturing spare parts for TVS Motor Company. Based on the complaint given by him that the accused have entered into conspiracy, misused the powers and had committed theft of scrap materials worth about Rupees One Crore from the Company and after commission of the offence, they had melted the whole scrap materials, the second respondent Police has registered a case in Crime No.113 of 2023 on 26.04.2023 against the 1st respondent/A3 and others for the alleged offence under Sections 407 & 420 IPC. The Assistant Security Officer of the petitioner's Company named Saravanan is the first accused and one Akbar is the second accused. During the course of enquiry, it came to light that the second accused/Akbar is the owner of the vehicles bearing



registration Nos.KA 53 D 0870 and KA 53 6364 and the first respondent/A3 herein is the Driver of the vehicle involved in the crime. The first respondent/A3 had approached this Court for anticipatory bail in CrI.O.P.No.12424 of 2023 and this Court, by an order dated 21.06.2023, had granted anticipatory bail with certain conditions. However, the first respondent/A3 had misused the liberty granted by this Court. Thereby, the present petition has been filed seeking to cancel the anticipatory bail granted to the petitioner.

3. Learned counsel for the petitioner/de facto complainant submitted that the scrap materials stolen from the petitioner's factory premises are worth about Rs.1 crore and this Court, without considering the gravity, had granted anticipatory bail to the first respondent/A3. He further submitted that the first respondent/A3 has misused the liberty granted to him. Therefore, the present petition has been filed seeking to cancel the anticipatory bail given to the first respondent/A3.

4. Per contra, the learned counsel for the first respondent/A3 submitted that the petitioner/de facto complainant had intervened in the petition filed by the first respondent seeking for anticipatory bail and the very same arguments were put forth by him before this Court and this Court, taking into consideration that the first



respondent/A3 had appeared before the 2nd respondent Police and cooperated for the enquiry, which was conducted before the registration of the case and also considering the fact that the lorry belonging to the other accused was retained in the custody of the petitioner/de facto complainant, had granted anticipatory bail.

5. He further submitted that subsequent to the grant of anticipatory bail, the first respondent/A3 has duly complied with the condition and later, the condition has also been relaxed by this Court. He also stated that the first respondent has neither interfered with the investigation nor tampered with the evidence and not misused the liberty granted to him. Further, he is also ready to cooperate for any kind of investigation. He further submitted that the petitioner has not made any valid grounds for warranting cancellation of the anticipatory bail granted to the first respondent/A3.

6. Learned Government Advocate (Criminal Side) submitted that the first respondent was granted anticipatory bail by this Court with a condition to report before the second respondent Police and later, the condition has also been relaxed by this Court. He also submitted that the investigation in this case is still pending.



7. Heard the learned counsel appearing for both the petitioner and the first respondent/A3 and the learned Government Advocate (Crl.Side) and perused the materials available on record.

8. The petition has been filed seeking to cancel the anticipatory bail granted to the petitioner by this Court. It is the case of the petitioner that this Court has not taken into consideration the gravity of the offence committed by the accused while granting anticipatory bail. It is to be noted that at the time of granting anticipatory bail, the intervenor/de facto complainant appeared through the counsel Mr.P.Rajkumar Pandian and only after hearing the objections, this Court had granted anticipatory bail to the first respondent/A3. Further, it is now reported by the second respondent that the first respondent/A3 has duly complied with the conditions and it has also been relaxed by this Court. Further, no case of tampering of evidence or interfering in the investigation have been made out against the first respondent/A3.

9. In such circumstances, this Court of the view that no ground has been made out for cancellation of bail and no case either factually or legally has been made out by the petitioner for cancellation of anticipatory bail granted to the first



respondent/accused. Therefore, the petitioner is not entitled for the relief of
cancellation of bail

10. In view of the above, the petition seeking for cancellation of bail
stands dismissed.

28.08.2024

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