



Crl.M.P.No.11006 of 2024 in Crl.O.P. No.7843 of 2023

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A.D.JAGADISH CHANDIRA,J.

This petition has been filed seeking to cancel the anticipatory bail granted to the first respondent/2nd accused in Crl.O.P.No.7843 of 2023 dated 24.04.2023.

2.The petitioner is the defacto complainant in Crime No.9 of 2023 registered by the respondent police for the alleged offences punishable under Sections 120-B, 408, 420 and 506(i) of IPC. It is the case of the defato complainant/Salmankhan that the 1st respondent herein/A2 viz.,Gokulnath along with Vijay @ Karthikeyan/A1 and Rajeswari/A3, posing themselves as A1-Chief, A2-Marketing Executive and A3-General Manager of Amaazan Traders, issued advertisements and conducted interview and appointed the defacto complainant as a Marketing Executive of the said company and they had insisted the defacto complainant and other staff to collect money from various persons under a scheme and the defacto complainant and other employees have totally collected a sum of Rs.61,79,000/-. The further allegation is that the 2nd accused and the other accused neither returned the



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collected amount nor paid the profit to the investors and thereby, cheated the investors. It is the further case of the defacto complainant that he had also invested Rs.1,00,000/- in that scheme and the said amount was also cheated. Apprehending arrest at the hands of the respondent police, A2 had filed Crl.O.P.No.7843 of 2023 and sought for anticipatory bail.

3.This Court, by an order dated 24.04.2023, had granted anticipatory bail to the 2nd accused on condition to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.9 of 2023, within a period of two weeks from the date of receipt of a copy of the order and had also directed A2 to appear before the respondent for enquiry. However, the 2nd accused neither complied with the condition imposed at the time of granting anticipatory bail to him nor co-operated for investigation and thereby, the present petition is filed seeking to cancel the anticipatory bail granted to him.

4.Learned counsel for the petitioner would submit that this Court, while granting anticipatory bail to the petitioner, had directed him to



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execute a bond for a sum of Rs.10,000/- with two sureties each and report before the respondent police everyday at 10.30a.m., for a period of four weeks and thereafter, on every Saturday at 10.30a.m., until further orders and had also directed him to deposit Rs.1,00,000/- to the credit of Crime No.9 of 2023. The first respondent/2nd accused has neither executed the sureties and appeared before the respondent for the purpose of investigation nor deposited a sum of Rs.1,00,000/- as directed by this Court and thereby, the petitioner has not complied with the condition and thereby, he would seek to cancel the anticipatory bail granted to him

5.Notice was directed to be served on the 2nd accused and the same was returned with an endorsement "*Addressee cannot be located(Not Known)*". This Court, by an order dated 28.08.2024 directed the second respondent herein/police to serve notice on the 2nd accused, who is the first respondent herein.

6.Today, it is reported by the learned Government Advocate (Criminal Side) appearing for the second respondent-police that the 2nd



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accused has vacated from the said address and his family members, who were residing at the said address till last month, have also vacated the premises and yet another address given by the 2nd accused is a false address and that the accused is absconding. He would further submit that the first respondent/2nd accused had not appeared for an enquiry so far and he had also not deposited the amount of Rs.1,00,000/- as directed by this Court.

7.This Court, while granting anticipatory bail to the first respondent herein/2nd accused, had imposed a condition to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.9 of 2023, within a period of two weeks from the date of receipt of a copy of the order and had also directed him to appear before the respondent-police for enquiry. However, the first respondent/2nd accused neither deposited the said amount nor appeared before the second respondent-police for enquiry and thereby had violated the condition imposed by this Court. Taking into consideration the fact that the first respondent/2nd accused has not complied with the condition imposed while granting anticipatory bail to him in Crl.O.P.No.7843 of 2023 on 24.04.2023, the anticipatory bail granted



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stands cancelled. Accordingly, this Criminal Miscellaneous Petition filed by
the defacto-complainant stands allowed.

22.10.2024

To

- 1.Judicial Magistrate No.VII, Coimbatore.
- 2.The Public Prosecutor, High Court, Madras.

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A.D.JAGADISH CHANDIRA,J.

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