



Crl.O.P.No.17732 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.17732 of 2024

Timothy ... Petitioner/Defacto complainant

Vs.

1. The Inspector of Police,
District Crime Branch,
Thiruvallur,
Thiruvallur District.
(Cr.No.42 of 2022)

... Respondent/Complainant

2. Muruganatham ... Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 439(2) of Cr.P.C.,
pleaded to cancel the bail granted in CMP No.653 of 2024 dated 06.02.2024 on
the file of the learned Principal District and Sessions Judge at Thiruvallur.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.S.Santhosh (for R1)
Government Advocate (Crl.Side)

Mr.Pradeep Jayaraman (for R2)
Ms.Alamelu Saruthri



Crl.O.P.No.17732 of 2024

WEB COPY

ORDER

The petitioner seeks cancellation of bail mainly on the ground that the respondent has committed serious offence of cheating and the learned Principal District and Sessions Judge, Thiruvallur, ought not to have granted anticipatory bail and further the 2nd respondent/accused had not complied with the conditions imposed by the trial Court and he has not cooperated for the investigation.

2. The learned counsel for the petitioner/defacto complainant reiterated the averments in the petition and submitted that if the 2nd respondent/accused is at large, there is every possibility of tampering the evidence and that the 2nd respondent/accused, is absconding and has not appeared and cooperated for the investigation. He further drew the attention of this Court to WP (MD) No.13726 of 2024, wherein the 2nd respondent/accused had sought for a direction to the Regional Passport Officer to process his application for renewal of his passport and this Court had allowed the said petition on 03.07.2024.

3. The learned counsel appearing for the 2nd respondent/accused *per contra* submitted that the order of the learned Principal District and Sessions Judge



Crl.O.P.No.17732 of 2024

shows that the allegations are civil in nature and that there is a commercial dispute and hence, custodial interrogation is not required and there is no reason to interfere with the said order.

4. Learned Government Advocate (Crl. Side), appearing for the 1st respondent police submitted that pursuant to the direction, the 2nd respondent/accused has complied with the conditions for 27 days and thereafter, due to health reasons, he did not appear.

5. Heard the submissions made on either side and perused the materials available on record.

6. Perusal of the impugned order would show that the dispute between the petitioner and the 2nd respondent/accused is civil in nature and because of the conduct of the 2nd respondent, the petitioner had allegedly suffered a loss of Rs.58,61,518/-. The allegations are borne out by records. Therefore, this Court is of the view that the order of the learned Principal District and Sessions Judge, Tiruvallur, cannot be faulted. It is also seen that the 2nd respondent/accused had complied with the conditions regularly expect for a few days.



Crl.O.P.No.17732 of 2024

WEB COPY

7. Considering the aforesaid facts, this Court is of the view that the petitioner has not made out any ground for cancellation of bail and hence, this Criminal Original Petition stands dismissed.

03.03.2025

ars



WEB COPY



Crl.O.P.No.17732 of 2024

SUNDER MOHAN., J.

ars

Crl.O.P.No.17732 of 2024

03.03.2025