



Crl.O.P.No.20770 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.20770 of 2024

L.Sasikumar

... Petitioner

Vs

1. State Rep. By,
Inspector of Police,
CCB-I, Job Racketing Wing,
Team-9,
Vepery, Chennai - 600 007.

2. M.Maavarman

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 482 of Cr.P.C, to call for the records in Crl.M.P.No.15005 of 2024 dated 23.04.2024 on the file of the Learned Metropolitan Magistrate for exclusive trial of CCB and CBCID Cases at Egmore and set aside the same.

For Petitioner	: Mr.T.Vijay
For R1	: Mr.A.Gopinath Government Advocate (Crl.side)
For R2	: Mr.M.Anandaraj

ORDER

This Criminal Original Petition has been filed challenging the order made in Crl.M.P.No.15005 of 2024 dated 23.04.2024 on the file of the Metropolitan Magistrate for exclusive trial of CCB and CBCID Cases at



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Egmore, thereby cancelled the bail granted to the petitioner in
Crl.M.P.No.32365 of 2023.

2. Heard both sides and perused the materials available on record.

3. On the complaint lodged by the second respondent, the first respondent registered FIR in Crime No.151 of 2023 for the offences punishable under Sections 406, 420 and 34 of IPC.

4. Pursuant to the registration of FIR, the petitioner was arrested and remanded to judicial custody on 07.07.2023. While he was in incarceration imprisonment, he had filed an application for bail in Crl.M.P.No.32365 of 2023. While he was in judicial custody, his wife had entered into an Memorandum of Understanding with the second respondent on 04.08.2023, thereby undertaking to settle a sum of Rs.1 Crore by issuance of ten cheques. On the date of entering into Memorandum of Understanding, the petitioner's wife also paid a sum of Rs.10 Lakhs by way of demand draft in favour of the second respondent. On receipt of the cheques as per the Memorandum of Understanding, the second respondent had no objection for grant of bail to the petitioner. Accordingly, he was granted bail on other conditions. The other conditions were duly complied



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with and the petitioner was released on bail.

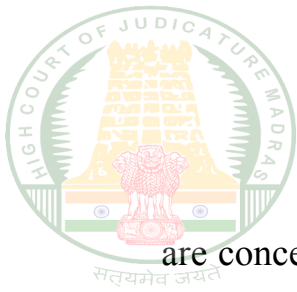
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5. However, as per the Memorandum of Understanding, dated 04.08.2023 the cheques which were issued by the petitioner's wife were not honoured and the cheques got dishonoured. Aggrieved by the same, the second respondent also initiated proceedings under Section 138 of Negotiable Instruments Act as against the petitioner's wife and it is pending.

6. That apart, a perusal of the Memorandum of Understanding, dated 04.08.2023 revealed that the second respondent had no objection for granting bail and even if any cheques got dishonoured, he will work out his remedy before the appropriate Court for dishonour of cheques. Accordingly, the second respondent, now filed a complaint and initiated proceedings under Section 138 of Negotiable Instruments Act and it is pending.

7. The Hon'ble Supreme Court of India repeatedly held that the bail cannot be cancelled on the ground that the accused had violated the terms of compromise.

8. Admittedly insofar as the conditions imposed by the Court below



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are concerned, it has been duly complied with. That apart, there is no condition to honour the cheque issued by the petitioner's wife while granting bail.

9. In view of the above, this Court finds infirmity in the order passed by the Court below. Accordingly, the order made in Crl.M.P.No.15005 of 2024 dated 23.04.2024 on the file of the Metropolitan Magistrate for exclusive trial of CCB and CBCID Cases at Egmore, is hereby set aside.

10. In the result, this Criminal Original Petition stands allowed.

04.03.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

1. The Metropolitan Magistrate for exclusive trial of CCB and CBCID Cases,
at Egmore
2. The Inspector of Police,
CCB-I, Job Racketing Wing,
Team-9,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

mn

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