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Crl.M.P.Nos.15778 & 15775 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.M.P.Nos.15778 & 15775 of 2024
in Crl.OP.Nos.17660 & 18808 of 2024

Dr.M.Harish Mathialagan

... Petitioner in both the petitions

Vs.

1.State Represented by,
The Inspector of Police,
Central Crime Branch-Avadi,
Avadi City, Chennai.
Crime No.61 of 2024.

... 1st Respondent
in both the petitions

K.Babu Rajan

... 2nd Respondent
in Crl.MP.No.15778 of 2024

S.Karuppaiah

.. 2nd respondent in
Crl.MP.No.15775 of 2024

For Petitioner : Mr.R.Sasikumar (in both the petitions)

For Respondents : Mr.S.Balaji
Government Advocate (Crl.Side) for R1
(in both the petitions)
: Mr.M.Rajavelu for R2 (in Crl.MP.No.15778 of 2024)
: D.Rameshkumar for R2 (in Crl.MP.No.15775 of 2024)



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COMMON ORDER

These petitions have been filed to cancel the anticipatory bail granted by this Court in favour of the second respondent in Crl.OP.Nos.17660 and 18808 of 2024 dated 16.08.2024 respectively.

2. The learned counsel appearing for the petitioner would submit that this petitioner is a defacto complainant and he already complained before the first respondent police against the second respondent. An FIR has been registered in Crime No.61 of 2024 for the offence under Sections 406, 420, 506(i) & 120(B) of IPC. The defacto complainant had approached accused 1 and 2 for availing a loan to the tune of Rs.30 crores, for which, the defacto complainant paid a sum of Rs.1.80 crores as commission, and thereafter, the accused persons did not return the loan amount, when the same was questioned by the defacto complainant, they threatened him and failed to return the money. Hence, he lodged a complaint. Thereafter, the second respondent approached this Court for the grant of anticipatory bail in Crime Nos.17660 & 18808 of 2024 and they have also granted anticipatory bail by this Court. The second respondent suppressed the material facts and clandestinely focused that the dispute is civil in nature. Further, the 2nd



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respondent did not furnished sureties before the Magistrate court and did not comply with the condition, and never appeared before the respondent police. Moreover the second respondent threatened the defacto complainant to withdraw the complaint, therefore, he breached the conditions, thereby the anticipatory bail granted to the second respondent is liable to be cancelled.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police would submits that this Court has already granted anticipatory bail to the second respondent and imposed a condition for them to appear before the respondent police daily at 10.30 a.m, until further orders. He further submits that the second respondent appeared before the respondent police without fail and they have not received any complaint from the defacto complainant in respect of the alleged threatens made by the second respondent.

4. The learned counsel for the second respondent would submits that the second respondent never threatened the defacto complainant and that the alleged allegations are false. This Court, while granting anticipatory bail to the second respondent directed them to appear before the respondent police



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daily at 10.30 a.m, and he also appeared before the respondent police without fail. Therefore, there are no grounds to cancel the anticipatory bail granted to the second respondent. He further submits that the defacto complainant filed the petition with false allegations and no complaint was lodged against the second respondent for the alleged threatening. Therefore, the present petition is liable to be dismissed.

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

6. In this case, according to the petitioner, the second respondent obtained anticipatory bail by suppressing the material facts. After obtaining anticipatory bail, he has not complied with the conditions and also threatened to withdraw the complaint. To substantiate his contentions, there is no record produced by the petitioner. Even, according to the petitioner, there is no clarity regarding which material facts were suppressed by the second respondent, and there is no complaint lodged by the defacto complainant in respect of the alleged threatens made by the second respondent to withdraw the complaint. Therefore, without any records it is not appropriate to accept the contention of the petitioner. Moreover, the learned Government



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Advocate (Crl.Side) appeared for the first respondent would submit that the second respondent has complied with the conditions imposed by this Court without fail. Therefore, there are no grounds to cancel the anticipatory bail granted to the second respondent. Therefore, without materials to attract the grounds to cancel the anticipatory bail, it is not appropriate to allow these petitions. In view of the said discussions, this Court is of the opinion that the petitions have no merits and deserves to be dismissed.

7. In the result, these Criminal Miscellaneous Petitions are dismissed.

02.01.2025

drl

To

1.The Inspector of Police,
Central Crime Branch-Avadi,
Avadi City, Chennai.

2.The Public Prosecutor,
High Court, Madras.



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CrI.M.P.Nos.15778 & 15775 of 2024

P.DHANABAL, J.

drl

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in CrI.OP.Nos.17660 & 18808 of 2024

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