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CRL M.P. No.16468 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2025

CORAM

The Hon'ble Mr.Justice P.DHANABAL

Crl. M.P. No.16468 of 2024
in Crl. O.P. No.19031 of 2024

M. Ramu S/o. Muthukumar Petitioner /
Defacto complainant.

VS

1. State represented by:-
The Inspector of Police,
M5 Ennore Police Station [crime],
Kathivakkam High Road, Ennore,
Chennai - 600 057. 1st Respondent /
Complainant

2. P. Mohanalakshmi W/o. Palanivel ... 2nd Respondent / Petitioner

PRAYER:- The Criminal Original Petition is filed under Section 483(3) of B.N.S..S. praying to cancel the anticipatory bail granted to the 2nd respondent / Accused vide order passed in Crl. O.P. No.19031 of 2024 dated 07.08.2024.



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For Petitioner : Mr. J. Prakasam

For Respondents : Mr. S. Balaji [for R1]
Govt. Advocate (Crl. Side)

Ms. R. Hemalatha [for R2]

ORDER

This petition has been filed by the petitioner to cancel the anticipatory bail granted to the 2nd respondent in Crl. O.P. No.19031 of 2024 dated 07.08.2024.

2. The learned counsel appearing for the petitioner would contend that he is the defacto complainant in this case and he lodged a complaint against the 2nd respondent / accused before the 1st respondent police and they registered the case for the offences under Sections 406 and 420 of IPC and thereafter, the 2nd respondent approached this Court by filing a petition in Crl. O.P. No.19031 of 2024 praying to grant anticipatory bail and this Court granted anticipatory bail to the 2nd respondent. At the time of obtaining anticipatory bail, the 2nd respondent suppressed the material facts about the money borrowed by her and also she has not complied the conditions imposed on her by this Court in the anticipatory



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bail order and therefore, the anticipatory bail granted to the 2nd respondent / accused has to be cancelled.

3. The learned counsel appearing for the 2nd respondent / accused would contend that the 2nd respondent borrowed money from the petitioner / defacto complainant, for which, he charged exorbitant interest and the 2nd respondent borrowed only Rs.1.5 lakhs and for which, she repaid upto Rs.9.5 lakhs and even after that, the petitioner / defacto complainant demanded money and therefore, she lodged a complaint against the defacto complainant. Moreover, this Court considered the nature of offences and the fact that there is a money dispute between the parties, granted anticipatory bail to the 2nd respondent and there is no any suppression of facts by the 2nd respondent at the time of arguments in the anticipatory bail petition. The 2nd respondent has never threatened the petitioner as alleged and only to harass the 2nd respondent, the petitioner has filed this petition. Therefore, there is no ground to cancel the anticipatory bail granted to the 2nd respondent and hence prayed to dismiss the petition for cancellation of bail.



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4. The learned Government Advocate (Criminal side) appearing for the 1st respondent would submit that this Court granted anticipatory bail to the 2nd respondent on conditions and she has also complied the conditions without fail and thereafter, the condition was also relaxed. Investigation was completed and charge sheet was also filed.

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

6. The main allegation levelled as against the 2nd respondent by the petitioner is that at the time obtaining anticipatory bail, the 2nd respondent suppressed about the money borrowed by her and in fact, the 2nd respondent borrowed money to the tune of Rs.9.5 lakhs and the same has not been repaid by her. He has also produced the Original Will and stated that the 2nd respondent alienated the property to some other third parties and therefore, the material facts were suppressed by the 2nd respondent.



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7. This Court perused the records. In the order of anticipatory bail petition, this Court recorded that as per 2nd respondent, he paid an amount of Rs.9.5 lakhs and the learned counsel appearing for the petitioner / defacto complainant has also admitted that he lent money to the tune of Rs.9.5 lakhs to the 2nd respondent. Therefore, there is no suppression of facts in respect of quantum of amount. Moreover, this Court already observed that there is a money dispute pending between the parties and therefore, granted anticipatory bail to the 2nd respondent.

8. Now this petitioner / defacto complainant contended that the 2nd respondent threatened him to withdraw the complaint. To that effect, he has also lodged a complaint before the 1st respondent police and they have not taken any action. This Court also perused the copy of the complaint dated 12.11.2024 and in the said complaint, nowhere stated about the date, time and place where the occurrence took place and the words uttered by the 2nd respondent and the complaint has been lodged with vague allegations. Therefore, there is no ground to consider this petition filed by the petitioner for cancellation of bail granted to the 2nd



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respondent.
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9. In view of the above said observations, this Court is of the opinion that this petition has no merits and deserves to be dismissed.

10. Accordingly, the Criminal Miscellaneous Petition is dismissed.

06.01.2025

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1. The Public Prosecutor, High Court, Madras.
2. The Inspector of Police, M5 Ennore Police Station [crime], Kathivakkam High Road, Ennore, Chennai - 600 057.



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P.DHANABAL,J
mjs

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