

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 10.07.2015

Date of verdict : 14.07.2015

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.15286 of 2015

Ramesh

...Petitioner

Vs

1. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram,
Kancheepuram District.

2. R.Damodharan
3. D.Senthilkumar
4. D.Rani @ Radha

...Respondents

Criminal Original Petition has been filed to cancel the anticipatory bail passed by the Sessions Court No.2, Kancheepuram in Crl.M.P.No.291 of 2015 on 9.3.2015.

For Petitioner : Mr.G.M.Sankar

For Respondents : Mr.Mohamed Riyaz,
Govt. Advocate (Crl. Side)
for R.1
Mr.V.Manoharan,
for R.2 to R.4

ORDER

The present criminal original petition has been filed to cancel the anticipatory bail granted by the Sessions Court No.2, Kancheepuram in Crl.M.P.No.291 of 2015 dated 9.3.2015.

2. The petitioner is the de facto complainant and the respondents 2 to 4 are the accused in Crime No.1327 of 2014 for the offence under Sections 294(b), 323, 506(i) and 447 I.P.C. r/w Section

3(1) of TNPPDL Act on the file of the first respondent police.

3. In the affidavit filed in support of the said petition, it has been stated that on 23.12.2014, the respondents 2 to 4 along with other accused had trespassed into the petitioner's house and damaged the house and also looted away the valuable silk threads worth about Rs.50,000/-. Hence, the petitioner had lodged a complaint before the first respondent police and on that basis, a case was registered against the respondents 2 to 4 and others in Crime No.1327 of 2014 for the offence under Sections 294(b) and 506 (i) I.P.C. alone. Aggrieved over the FIR, the petitioner sent a representation to the higher authorities to alter the FIR and subsequently, the first respondent police has altered the FIR for the offences under Sections 294(b), 323, 506(i) and 447 I.P.C. r/w Section 3(1) of TNPPDL Act. Thereafter, the respondents 2 to 4 have moved an anticipatory bail petition before the Sessions Court No.2, Kancheepuram in CrI.M.P.No.291 of 2015. On 9.3.2015, when the matter came up for hearing before the learned Sessions Judge, the respondents 2 to 4 agreed to deposit a sum of Rs.20,000/- each towards the value of the damage caused to the de facto complainant, into the Court. On their acceptance, the learned Sessions Judge, has granted anticipatory bail to the respondents 2 to 4 on imposing the following conditions viz.,

(i) The respondents 2 to 4 should surrender before the learned Judicial Magistrate No.2, Kancheepuram within ten days from the date of the order.

(ii) On such surrender, the respondents 2 to 4 were directed to deposit a sum of Rs.20,000/- each into the Court deposit before the learned Judicial Magistrate No.2, Kancheepuram.

(iii) On such deposit, the respondents 2 to 4 were ordered to be enlarged on bail on each of them executing a bond for a sum of Rs.10,000/- with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Kancheepuram.

(iv) The respondents 2 to 4 were further directed to appear and sign before the first respondent police station daily at 10.00 a.m. until further orders.

Subsequently, the respondents 2 to 4 have miserably failed to comply with the above conditions within the stipulated time. That apart, they came to the petitioner's house on 6.4.2015 and threatened him

and his mother and forced the petitioner to withdraw the complaint registered against them in Crime No.1327 of 2014. Since the respondents 2 to 4 have not complied with the conditions imposed by the Sessions Court No.2, Kancheepuram, the present petition has been filed to cancel the anticipatory bail granted to them.

4. It is the main submission of the learned counsel appearing for the petitioner that while granting anticipatory bail to the respondents 2 to 4, the learned Sessions Judge has imposed certain conditions and one of the conditions is that the respondents 2 to 4 should deposit a sum of Rs.20,000/- each into the Court deposit before the learned Judicial Magistrate No.2, Kancheepuram. But, the respondents 2 to 4 have not complied with the said conditions within the stipulated time and they have not chosen to deposit the amount of Rs.20,000/- each as accepted by them while granting anticipatory bail.

5. Learned Government Advocate (Crl. Side) has also, on instructions, submitted that the respondents 2 to 4 have not complied with the conditional order passed by the Sessions Court No.2, Kancheepuram.

6. Learned counsel appearing for the respondents 2 to 4 submitted that if time is granted, the respondents 2 to 4 would comply with the conditions.

7. Considering the facts and circumstances and considering the fact that even according to the respondents 2 to 4, they have not chosen to comply with the conditions imposed by the learned Sessions Judge even after a lapse of four months, I am of the opinion, this Court cannot grant any time to the respondents 2 to 4 to comply with the conditions. Therefore, the anticipatory bail already granted to the respondents 2 to 4 is liable to be cancelled.

8. Accordingly, the anticipatory bail already granted to the respondents 2 to 4 by the Sessions Court No.2, Kancheepuram in Crl.M.P.No.291 of 2015 dated 9.3.2015 is hereby cancelled and the criminal original petition is allowed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sbi

To

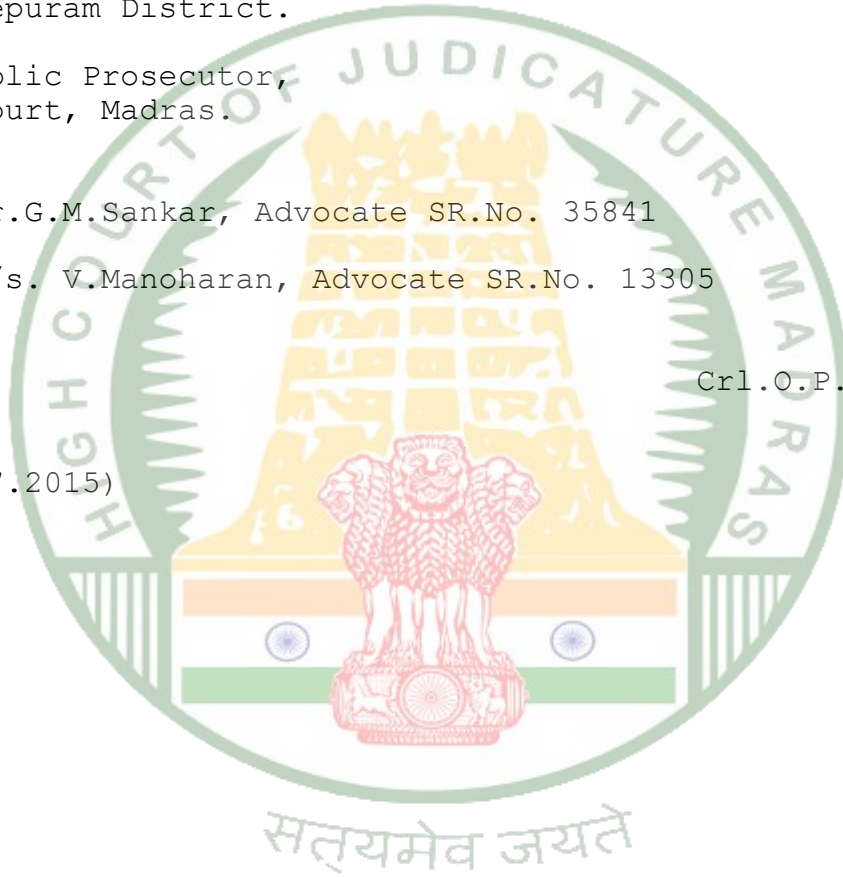
1. The Sessions Court No.2,
Kancheepuram.
2. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.G.M.Sankar, Advocate SR.No. 35841

1 CC to M/s. V.Manoharan, Advocate SR.No. 13305

Crl.O.P.No.15286 of 2015

ALA (CO)
PSI (22.07.2015)



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