

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-12-2015

CORAM:

THE HONOURABLE DR. JUSTICE P.DEVADASS

CRL.O.P.No.31897 of 2014

Susai Arul
Complainant

.. Petitioner/De facto

vs.

1.State Represented by
Inspector of Police,
Arampakkam Police Station,
Thiruvallur District,
Crime No.26/2013.

.. R-1/Complainant

2.Duraiswamy

.. R-2/Accused

3.Siva

.. R-3/Accused

4.Mullaivendan

.. R-4/Accused

Petition filed under Section 439(2) Cr.P.C., for cancellation of anticipatory bail granted to respondents 2 to 4/accused in Crl.O.P.No.20671 of 2014 dated 11.8.2014 on the file of this Court.

For Petitioner : Mr.T.P.Sekar

For Respondent-1 : Mr.M.Maharaja,
Additional Public Prosecutor.

For Respondents-2to4 : Mr.K.S.Arumugam

O R D E R

This petition by the de facto complainant is to cancel the anticipatory bail granted to respondents 2 to 4/accused in Crl.O.P.No.20671 of 2014 on 11.8.2014.

2. Petitioner is the de facto complainant. He lodged a complaint as against respondents 2 to 4 before the Inspector of Police, Arampakkam Police Station, Thiruvallur District (first respondent). A case in Crime No.26 of 2013 has been registered.

3. The accused moved this Court in Crl.O.P.No.3022 of 2013 for anticipatory bail. On 11.2.2013, this Court (Hon'ble Mr. Justice R.Subbiah) granted them anticipatory bail prescribing certain conditions and directed to execute a bail bond within 4 weeks. Since they could not furnish the bail bond in time, they could not avail of the anticipatory bail order.

4. After several months, again they moved this Court in

Crl.O.P.No.20671 of 2014 for anticipatory bail. Hearing both sides, I have granted them anticipatory bail.

5. Subsequently, the de facto complainant filed Crl.M.P.No.1 of 2014 in Crl.O.P.No.3022 of 2013 to cancel the anticipatory bail granted to them on 11.2.2013 on the ground that they have not executed the bail in spite of the extension of time. On 26.8.2014, the learned Judge noticing that they were already granted anticipatory bail in Crl.O.P.No.20671 of 2014 dismissed the said Crl.M.P.No.1 of 2014.

6. Now the present petition has been filed by the de facto complainant to cancel the anticipatory bail granted to respondents 2 to 4 in Crl.O.P.No.20671 of 2014 since they have suppressed the earlier anticipatory bail granted to them in Crl.O.P.No.3022 of 2013.

7. The learned counsel for the petitioner/de facto complainant would strongly contend that this kind of accused persons should not be encouraged because they suppressed the previous bail orders.

8. The learned counsel for the accused/R-2 to R-4 would submit that as the earlier anticipatory bail order cannot be availed of because of expiry of time, they have moved fresh petition for anticipatory bail and this Court also after taking into account both side arguments, took a considerate stand and granted them anticipatory bail. Now at this distance of time, the accused persons may not be penalised and they will regularly participate in the Trial Court proceedings.

9. The learned Additional Public Prosecutor would submit that now investigation is over, Final Report also has been filed before the concerned Court.

Dr.P.DEVADASS, J.
Svn

10. Now considering all the above aspects and also taking into account the submissions of the learned counsel for the accused/R-2 to R-4, I deem it now it is not fit to cancel the anticipatory bail granted to them.

11. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Arampakkam Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.31897 of 2014

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