

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

CRL.R.C.No.140 of 2015

Mohammed Rafique
(Senior Citizen

... Petitioner

vs.

1.The State rep. By
The Inspector of Police,
Taluk Police Station,
Krishnagiri.

2.Mohammed Yusuf

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 read with 401 of Criminal Procedure Code to set aside the order dated 08.08.2014 in Crl.M.P.No.84 of 2013 on the file of the learned Principal District and Sessions Judge, Krishnagiri.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor for R1

JUDGMENT

Being aggrieved by the order made in Crl.M.P.No.84 of 2013 dated 08.08.2014 passed by the learned Principal District and Sessions Judge, Krishnagiri, refusing to cancel the anticipatory bail granted in Crl.M.P.No.2073 of 2011, dated 30.09.2011, on the file of the learned Principal Sessions Judge, Krishnagiri, the present revision petition has been filed.

2.Material on record discloses that on the complaint, made by the petitioner, a case in Crime No.218 of 2011 has been registered on the file of Taluk Police Station, Krishnagiri, for offences under Sections 420, 471, 341 and 506(i) IPC. Accused has filed an application for anticipatory bail in Crl.M.P.No.2073 of 2011 and the learned Principal Sessions Judge, Krishnagiri, vide order dated

30.09.2011, allowed the said petition, filed by the accused Mohammed Yusuf, on executing a bond for a sum of Rs.5,000/- with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Krishnagiri. There is also further direction to the accused to appear before the respondent police and sign daily at 10.00AM, until further orders.

3.Contending inter alia that the accused has failed to comply with the conditions imposed by the learned Principal Sessions Judge, Krishnagiri, in CrI.M.P.No.2073 of 2011, dated 30.09.2011, and that the accused has failed to appear before the Police, cancellation of anticipatory bail has been sought for, in CrI.M.P.No.84 of 2013 under Sections 89 and 439(2) CrPC. Before the learned Principal Sessions Judge, Krishnagiri, the accused has strongly objected to the said petition on the ground that he has been the observing conditions regularly. He has also contended that on his application in CrI.M.P.No.2228 of 2011, conditions imposed at the time of granting anticipatory bail were also cancelled on 01.11.2011. That apart, the case registered has also been referred, as mistake of fact. Before the Court below, learned Public Prosecutor has also objected to the application filed for cancellation on the ground that the accused had appeared before the Police from 12.10.2011 to 31.10.2011 regularly, without fail.

4.Reading of the impugned order also shows that note book signed by the accused before the concerned police has been submitted before the Lower Court. However, based on the information furnished under the Right to Information Act, 2005, dated 26.11.2012, the petitioner has urged for cancellation of bail on the ground inter alia that the accused had not appeared before the police Station. However, on perusal of the note book, submitted by the Public Prosecutor, learned Principal Sessions Judge, was of the view that information furnished to the petitioner was not correct. The Court below has also taken note of the fact that the respondent police has also filed a final report, before the learned Judicial Magistrate-II, Krishnagiri, in Crime No.218 of 2011, and that the criminal case has been referred as mistake of fact.

Considering the above fact, vide order dated 08.08.2014, CrI.M.P.No.84 of 2013 filed for cancellation of anticipatory bail granted has been dismissed by the learned Principal Sessions Judge, Krishnagiri. Though the learned counsel for the petitioner assailed the correctness of the impugned order, by reiterating the very same ground, this Court is not inclined to interfere with the impugned order. Upon satisfying that the condition imposed while granting anticipatory bail, has been complied with, lateron, the condition imposed to appear before the police daily has been relaxed. Further, the criminal case itself has been

referred as mistake of fact. There is no manifest illegality, in the impugned order. There are no merits in the Criminal Revision Case. Hence, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mps

To

1.The Principal District and Sessions Judge,
Krishnagiri.

2.The Inspector of Police,
Taluk Police Station,
Krishnagiri.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

+ 1 cc to Mr.C.Prabakaran, Advocate Sr.10162

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RJ(CO)
Eu 11.03.15



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