



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Cr1.R.C.(MD)No.501 of 2014

and

M.P.(MD)No.1 of 2014

1.Nagarajan

2.Selvam

.. Revision Petitioner/Respondents 2 & 3/

Accused Nos.19 & 22

Vs.

1.The State rep. by

The Inspector of Police,

Karaiyur Police Station,

Pudukkottai District.

(Crime No.29/2012)

.. Respondent/1st respondent/1st respondent

2.Sudha

.. Respondent/Petitioner/Defacto complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records and set aside the order of the learned Principal District and Sessions Judge, Pudukkottai in Cr.M.P.No.1500 of 2014 in Cr.M.P.No.1322 of 2014, dated 02.12.2014 by allowing this revision petition.

For Petitioners : Mr.K.Baalasundharam

For R-1 : Mr.P.Kandasamy

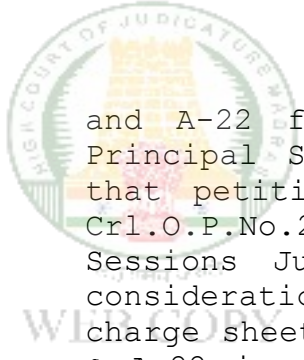
Government Advocate(Crl.side)

For R-2 : Mr.P.Ganapathi Subramanian

ORDER

The revision petitioners are arrayed as A-19 and A-22 in Crime No.29 of 2012 registered by the first respondent police for the alleged commission of offence under Sections 147, 148, 307, 436, 379(Non-Professional) of I.P.C and Section 4 of Tamil Nadu Public Property(Prevention of Damage and Loss) Act, 1992.

2. Apprehending arrest at the hands of the first respondent police, the revision petitioners along with other accused moved Cr1.O.P.No.2790 of 2014 before this Court seeking anticipatory bail and during the course of arguments, the petitioners/A-19 and A-22, not pressed the said application, insofar as they are concerned. Therefore, it was dismissed as withdrawn. In respect of other accused, this Court granted anticipatory bail. Thereafter, the petitioners/A-19



and A-22 filed Cr.M.P.No.1322 of 2014 on the file of the Court of Principal Sessions Judge, Pudukottai, seeking anticipatory bail and in that petition, they have not disclosed the fact of not pressing the CrI.O.P.No.2790 of 2014 before this Court. The Court of Principal Sessions Judge, Pudukkottai, vide order dated, 05.08.2014, had taken consideration of the representation made by the prosecution that the charge sheet has already been filed, granted bail to the petitioners/A-19 & A-22 in the event of arrest by directing them to execute a personal bond for a sum of Rs.10,000/- with two sureties for the like sum to the satisfaction of the jurisdictional Court and on further condition that they should report before the respondent police daily at 10.00 a.m., and sign there for one month with a default clause.

3. Thereafter, the defacto complainant filed Cr.M.P.No.1500 of 2014 for cancellation of anticipatory bail granted to the petitioners, before the Court of Principal Sessions Judge, Pudukkottai, who had taken into consideration of non disclosure of the fact of not pressing the application for anticipatory bail filed before this Court, has cancelled the bail granted to the petitioners/A-19 & A-22 in the event of arrest, vide order dated 02.12.2014 and aggrieved by the same, the petitioners/A-19 and A-22, had filed this revision.

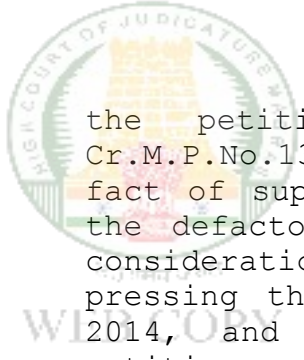
4. The learned counsel for the revision petitioners would contend that even assuming without admitting that the case projected by the prosecution is true, till the ingredients of offence have not been made out. He would further contend that the case after investigation, culminated in filing of charge sheet, which has been taken on file by the jurisdictional Court in P.R.C.No.10 of 2014 and the case is also ready for committal and further taking into consideration of the fact that all the co-accused have been enlarged on bail/anticipatory bail, there cannot be any impediment for granting anticipatory bail to the petitioners also.

5. Per contra, the learned counsel for the second respondent/defacto complainant would submit that since the petitioners had deliberately suppressed the fact of not pressing the anticipatory bail application filed before this Court, the lower Court has rightly cancelled the anticipatory bail granted to the petitioners and prayed for dismissal of this revision.

6. The learned Government Advocate(Crl. Side) would contend that the case after investigation is culminated in filing of charge sheet and the same had been taken on file in P.R.C.No.10 of 2014 and committal proceedings are pending.

7. This Court has carefully considered the rival submissions and perused the materials available on record.

8. Granting of anticipatory bail is a discretionary relief. The persons, who seek such relief, are expected to approach the Court with clean hands. Admittedly, the petitioners, who are arrayed as A-19 and A-22 respectively along with other accused filed CrI.O.P.No.2790 of 2014 before this Court, for anticipatory bail and during the course of arguments, they have not pressed the said application insofar as they are concerned. In respect of other accused, this Court granted anticipatory bail. Subsequent to the not pressing of anticipatory bail application,



the petitioners moved jurisdictional Sessions Court by filing Cr.M.P.No.1322 of 2014 and got the order on 05.08.2014. When the said fact of suppression was brought to the knowledge of the lower Court by the defacto complainant in CrI.M.P.No.1500 of 2014, it has taken into consideration that the petitioners had suppressed the fact of not pressing the application filed before this Court in CrI.O.P.No.2790 of 2014, and rightly cancelled the anticipatory bail granted to the petitioners vide impugned order, dated 02.12.2014.

9. This Court finds no error in the reasons assigned by the jurisdictional Court for cancelling the anticipatory bail granted to the petitioners and finds no merits in this revision.

In the result, this Revision is dismissed and the impugned order dated 02.12.2014 made in Cr.M.P.No.1500 of 2014, is confirmed. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True copy/

sub Assistant Registrar

pm
To

- 1.The Principal District and Sessions Judge,
Pudukkottai.
- 2.The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to MR.K.BALASUNDARAM, ADVOCATE IN SR NO. 6091

+1cc to MR.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR NO.6072

CrI.R.C. (MD) NO.501 of 2014
and
M.P. (MD) No.1 of 2014
09.02.2015

RG.18.02.2015 3P.6C.