

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM

THE HONOURABLE DR.JUSTICE P.DEVADASS

CrI.O.P.No.24692 of 2015

M.K.Ramesh Anand

Petitioner/De-facto
Complainant

Vs

1. Kathiravan Thillaippan

Respondent/Petitioner/
Accused

2. State rep. by the Inspector of Police,
M.1 Madhavaram Police Station,
Chennai.

(Crime No.1149 of 2015)

Respondents/Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to cancel the anticipatory bail granted to the first respondent/accused in CrI.O.P.No.7753 of 2015 by Order dated 31.03.2015 in connection with the Crime No.1149 of 2015 on the file of the Inspector of Police, M-1, Madhavaram Police Station, Chennai.

For Petitioner :Mr. Sakthi

For Respondent :Mr.P.Govindarajan
Additional Public Prosecutor- R2

ORDER

Defacto complainant in Crime No.1149 of 2015 seeks cancellation of anticipatory bail granted to the first respondent in CrI.O.P.No.7753 of 2015 dated 31.03.2015 for offences under sections 406, 417, 420 and 506(ii) IPC.

2. He was granted anticipatory bail by this Court directing him to execute the bail bond within certain date. After expiry of the date, he seems to have got extension by filing M.P.No.1 of 2015. We have no information whether he has executed the bail bond or not.

3. At this juncture, the learned counsel for the petitioner would contend that the bail Order has become no useful to the accused because time limit was over long back. Thus he want cancellation of the anticipatory bail Order.

4. Such a ground is not a valid ground under section 439 (2) Cr.P.C. There cannot be automatic cancellation of bail/anticipatory bail. Cancellation of bail must be by an express Order.

5. Now, as on date, the anticipatory bail Order is in force, as it was not cancelled in a manner known to law. But the difficulty is, as the time stated to have been expired, it has become an unworkable Order. Even then, it is left to the accused to make it a live Order by obtaining appropriate Orders from the Court concerned. In such circumstances, it may not be a case covered under section 439(2) Cr.P.C. to cancel the anticipatory bail granted to the petitioner.

6. Thus this Criminal Original Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vrc

To

1. The Judicial Magistrate,
Thiruvottriyur.
2. The Additional Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai.

+ 1 cc to Mr.Sakthi, Advocate Sr 4357 (22/4/16)

Cr1.O.P.No.24692 of 2015

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