

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 04.07.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.28317 of 2015

S.Nageswari

... Petitioner

Vs

1.M.Vijayaraghavan,
2.A.Moorthy
3.M.Rani
4.M.Mohanakumar

5.The State, rep. by
The Inspector of Police,
All Women Police Station,
Sirkali, Nagapattinam District.
(Crime No.3 of 2015)

... Respondents

Criminal Original Petition filed under Section 439(2) Cr.P.C. seeking to cancel the anticipatory bail granted to the respondents 1 to 4 herein, in Crl.O.P.No.3053 of 2015 dated 29.04.2015 by this Court.

For Petitioner :Mr.I.Paul Noble Devakumar

For Respondents :Mr.K.S.Dhinakar, Senior Counsel
for M/s.N.S.Sivakumar (For R1 to R4)

Mr.P.Govindarajan, APP (For R1)

* * * * *

ORDER

This Court by order dated 29.04.2015 in Crl.O.P.No.3053 of 2015 has granted anticipatory bail to the respondents 1 to 4, by imposing the condition that they shall execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sirkali or to the satisfaction of the police officer who intends to arrest them; and on further condition that they shall appear before the Police (5th respondent herein) daily at 10.30 am., for a period of one week and thereafter, as and when required for interrogation.

2.Now, the petitioner/defacto-complainant has filed the present petition seeking to cancel the anticipatory bail granted to the respondents 1 to 4. In the affidavit filed in support of this petition, it has been averred by the petitioner/defacto-complainant that earlier, on 09.02.2015 this Court had referred the matter to the Mediation and Conciliation Centre and ordered the Police not to arrest the respondents 1 to 4 till the Mediation process is over. But, taking advantage of the interim order passed by this Court, the respondents 1 to 4 escaped from the clutches of law. Hence, the petitioner sought for cancellation of the anticipatory bail granted to the respondents 1 to 4.

3.But, the learned counsel for the respondents 1 to 4, by filing a detailed counter, submitted that after completion of investigation, chargesheet has been filed by the 5th respondent-Police on 30.04.2015 itself ie., much prior to the filing of this petition for cancellation of anticipatory bail; that the chargesheet has also been taken on file as C.C.No.140 of 2015 on the file of the learned Judicial Magistrate, Sirkali; that the respondents 1 to 3 appeared before the Court below on 04.02.1016 and filed discharge petition under Section 239 of Cr.P.C. and that the 5th respondent-Police has also filed a counter in the said discharge petition and the discharge petition is pending for enquiry. It is further contended by the learned counsel for the respondents 1 to 4 that the present petition for cancellation of anticipatory bail has been filed by the petitioner suppressing the fact that the chargesheet has already been filed. Thus, the learned counsel sought for dismissal of the petition.

4.Heard the learned Additional Public Prosecutor appearing for the 5th respondent-police also.

5.Keeping in view the submissions made on either, I have carefully gone through the materials available on record. The present petition has been filed by the petitioner only with the bald and vague allegations. The petitioner has not made out any case, warranting this Court to cancel the anticipatory bail granted to the respondents 1 to 4. Moreover, as contended by the learned counsel for the respondents 1 to 4, since the chargesheet has already been filed and the discharge petition is pending before before the Court below, at this stage, the question of cancelling the anticipatory bail does not arise. The present petition is devoid of any merit and the same is liable to be dismissed. Accordingly, the criminal original petition is dismissed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Judicial Magistrate, Sirkali.

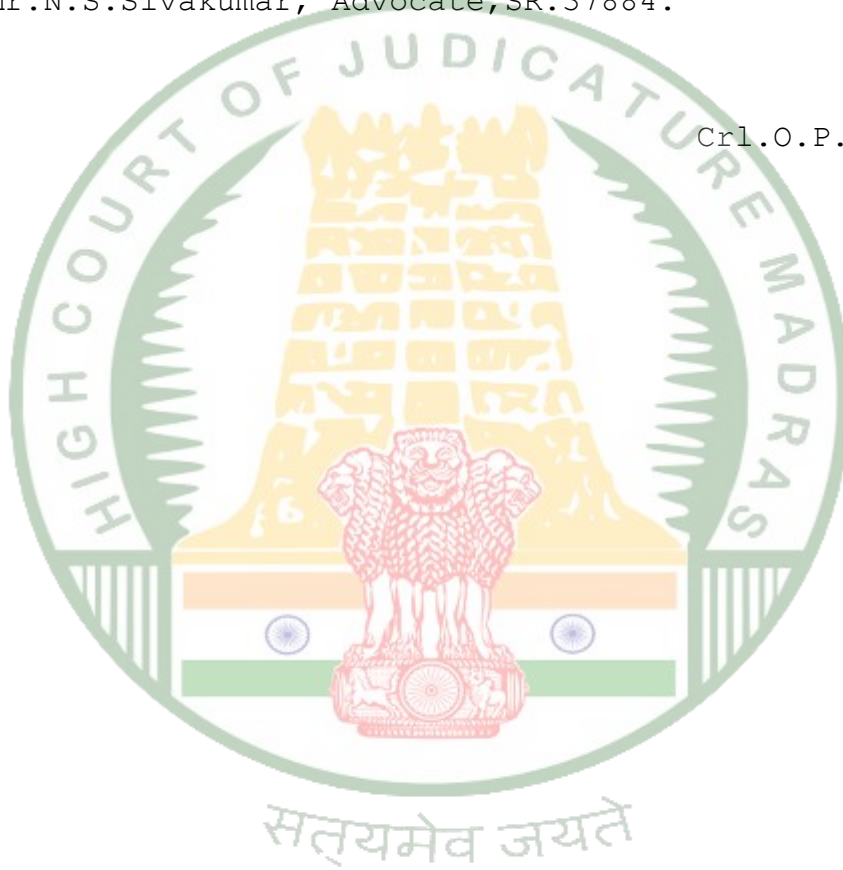
2.The Inspector of Police,
All Women Police Station,
Sirkali, Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.N.S.Sivakumar, Advocate, SR.37884.

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krd 14/7

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