



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Seventh day of June Two Thousand Sixteen

PRESENT

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The Hon`ble Ms.Justice V.M.VELUMANI

CRL MP(MD) No.2028 of 2016
IN
CRL OP(MD) No.18190 of 2015

FR. S. JOHN KENNADY

... PETITIONER/DEFACTO
COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY CITY,
CR NO.16 OF 2015.

... 1st RESPONDENT/COMPLAINANT

2 S. AROCKIASAMY SUNDARAM

... 2nd RESPONDENT/ACCUSED

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the Anticipatory Bail granted to the accused in Crl. O. P. NO.18190 of 2015 dated 16.12.2015 and thus render justice.

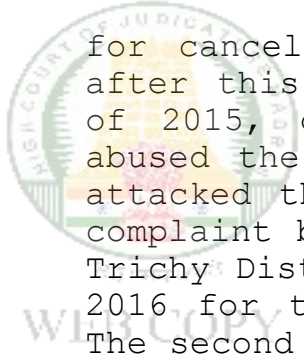
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S K.KUMARAVEL, Advocate for the petitioner and of MRS.S.PRABHA, Government Advocate (Crl.side) on behalf of the RespondentNo.1, the court made the following order:-

This Crl.M.P(MD).No.2028 of 2016 is filed to cancel the anticipatory bail granted to the accused in Crl.O.P(MD).No.18190 of 2015, dated 16.12.2015.

2. The second respondent is charged for the offences punishable under Sections 417,420 and 506(i) of IPC in Crime No.16 of 2015. He filed Crl.O.P(MD).No.18190 of 2015 before this Court for anticipatory bail. This Court by order dated 16.12.2015, granted anticipatory bail on condition that the petitioner shall appear before the respondent Police daily twice i.e at 10.00 am and 5.00 pm until further orders and the petitioner shall comply with the conditions stipulated under Section 438 of Cr.P.C scrupulously.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Now, the petitioner has come out with the present petition



for cancellation of anticipatory bail granted on the ground that after this Court granted anticipatory bail in CrI.O.P(MD).No.18190 of 2015, dated 16.12.2015, on 04.02.2016, the second respondent abused the petitioner and his servant maid in filthy language and attacked them with wooden log and that the petitioner has given a complaint before the Inspector of Police, Thuvakudi Police Station, Trichy District and the same has been registered in Crime No.49 of 2016 for the offences under Sections 294(b) and 506 (ii) of IPC. The second respondent after obtaining anticipatory bail had indulged in Criminal activities and has violated the condition imposed by this Court and therefore, prayed for cancellation of anticipatory bail to the second respondent.

4. The learned counsel appearing for the second respondent submitted that no such incident took place on 04.02.2016 as alleged by the petitioner. Only to harass the second respondent, a false complaint has been given against him by the petitioner. This Court after considering the nature of allegations against the second respondent and other materials has granted anticipatory bail. The second respondent has complied the condition imposed by this Court in CrI.O.P(MD).No.18190 of 2015, dated 16.12.2015 Further, the learned Principal Sessions Judge, Tiruchirappallai, granted anticipatory bail to the petitioner in CrI.M.P.No.796 of 2016, dated 17.03.2016, for the offences under Sections 294(b) and 506(i) of IPC in Crime No.49 of 2016 on the file of the Inspector of Police, Thuvakudi Police Station.

5. The learned Government Advocate (CrI. Side) submitted that on complaint given by the petitioner, a case has been registered in Crime No.49 of 2016 and the investigation is pending. He further submitted that the petitioner is complying the condition regularly as ordered by this Court in CrI.O.P(MD).No.18190 of 2015.

6. In view of the submissions made by the learned Government Advocate (CrI. Side) and the learned counsel for the second respondent that the second respondent has already obtained anticipatory bail in CrI.M.P.No.796 of 2016 for First Information Report in Crime No.49 of 2016 and he is complying the condition regularly, the petition is liable to be dismissed. Accordingly, the petition is dismissed.

sd/-
27/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.II, TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY CITY,
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC To M/S K.KUMARAVEL, Advocate IN SR.No. 34000
+ 1 CC TO M/S.JAMEEL ARASU, ADVOCATE IN SR No. 33466

ORDER
IN
CRL MP (MD) No.2028 of 2016
IN
CRL OP (MD) No.18190 of 2015
Date :27/06/2016

TRP
TE/SKS-RR/SAR-II : 12/07/2016 : 3P/7C