



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

Wednesday, the Fourteenth day of September Two Thousand Sixteen

PRESENT

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

CRL MP(MD) No.6725 & 7520 of 2016
IN
CRL OP(MD) No.10512 of 2016

STATE REP.BYT ITS
THE INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT
CRIME NO. 149 OF 2012 ... PETITIONER/COMPLAINANT
IN CRL MP(MD)NO.6725/2016 IN CRL OP(MD) NO.10512/2016
... RESPONDENT/RESPONDENT
IN CRL MP(MD)NO.7520/2016 IN CRL OP(MD) NO.10512/2016

Vs

JEEVARAJ, ... RESPONDENT/ACCUSED NO.1
IN CRL MP(MD)NO.6725/2016 IN CRL OP(MD) NO.10512/2016
... PETITIONER/1ST PETITIONER
IN CRL MP(MD)NO.7520/2016 IN CRL OP(MD) NO.10512/2016

PRAYER IN CRL MP(MD)NO.6725/2016 IN CRL OP(MD)NO.10512/2016

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 by this Honourable Court in Crl.O.P(MD) NO. 10512 of 2016 dated 13.07.2016.

Prayer in CRL MP(MD). 7520/ 2016 IN CRL OP(MD)NO.10512/2016 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to relax the condition imposed by this HOnourable Court in Crl.OP (MD) NO. 10512 of 2016 dated 13.07.2016 and pass such further or other orders.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.K.ANBARASAN Government Advocate for the petitioner IN CRL MP(MD) NO.6725/2016 IN CRL OP(MD) NO.10512/2016 and Respondent IN CRL MP (MD)NO.7520/2016 IN CRL OP(MD) NO.10512/2016 and MR.R.BALAKRISHNAN Advocate for the Respondent IN CRL MP(MD)NO.6725/2016 IN CRL OP(MD) NO.10512/2016 and Petitioner IN CRL MP(MD)NO.7520/2016 IN CRL OP(MD) NO.10512/2016 the court made the following order:-



02.09.2016

14.09.2016

Crl.M.P.(MD)No.6725 of 2016 has been filed by the petitioner/respondent police to cancel the anticipatory bail granted by this Court to the respondent/A1, vide order dated 13.07.2016, made in Crl.O.P.(MD)No.10512 of 2016.

2. The respondent/A1 was charged for the offences punishable under Sections 302 and 380 IPC, in Crime No.149 of 2012. He filed Crl.O.P.(MD)No.10512 of 2016 for anticipatory bail. This Court, vide order dated 13.07.2016 granted anticipatory bail to him.

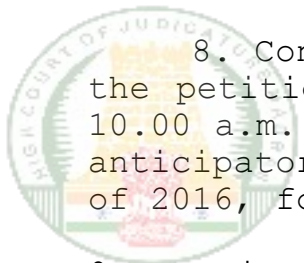
3. According to the petitioner/respondent police, after four years of investigation and based on the confession of the co-accused, the respondent was arrayed as A1. The respondent/A1 was granted anticipatory bail by this Court, vide order dated 13.07.2016. This Court imposed the condition that the respondent/A1 should appear before the petitioner/respondent police daily twice i.e., 10.00 a.m. and 05.00 p.m. until further orders.

4. The learned Government Advocate (Criminal side) submitted that the respondent/A1 was absconding for four years and now, after obtaining an order of anticipatory bail, he is appearing before the petitioner/respondent police and not co-operating for investigation. The co-accused is in judicial custody. Unless the anticipatory bail granted to the respondent/A1 is cancelled, the investigation cannot be proceeded with. Only 6 grams of stolen articles were recovered from the second accused and 28 sovereigns of stolen articles are yet to be recovered.

5. The respondent filed counter affidavit and submitted that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner/respondent police is pressurising him to accept the offence having committed by him, so as to close the case. He is complying with conditions imposed by this Court by appearing before the petitioner/respondent police daily at 10.00 a.m. and 05.00 p.m.

6. The learned counsel for the respondent further submitted that in the petition for cancellation of anticipatory bail itself, the petitioner/respondent police has stated in one place the respondent is not co-operating with the enquiry, on the other hand, they also stated the respondent admitted the commission of offence. The petitioner/respondent police has not made out any case for cancellation of anticipatory bail and therefore, anticipatory bail granted by this Court, vide order dated 13.07.2016, in Crl.O.P.(MD) No.10512 of 2016 cannot be cancelled. As per the judgments of the various High Courts and the Hon'ble Apex Court, once bail granted cannot be cancelled in a mechanical manner. The respondent filed Crl.M.P.(MD)No.7520 of 2016 in Crl.O.P.(MD)No.10512 of 2016 for relaxation of the condition imposed by this Court.

7. I have considered the rival submissions.



8. Considering the fact that the respondent is appearing before the petitioner/respondent police as ordered by this Court daily at 10.00 a.m. and 05.00 p.m., this Court is not inclined to cancel the anticipatory bail granted to him. Accordingly, Crl.M.P.(MD)No.6725 of 2016, for cancellation of anticipatory bail, is dismissed.

9. In view of the order passed in Crl.M.P.(MD)No.6725 of 2016, and the contention of the learned Government Advocate (Criminal side) that the respondent is not co-operating for investigation, even though he is appearing before the petitioner/respondent police, Crl.M.P.(MD)No.7520 of 2016, for relaxation is dismissed.

sd/-
14/09/2016

/ TRUE COPY /

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

SMN2
TO

- 1 THE JUDICIAL MAGISTRATE, SATHANKULAM
- 2 THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE, NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/PV/SAR-I-19.9.16-3P-5C

ORDER
IN
CRL MP (MD) No.6725 &
7520 of 2016
IN
CRL OP (MD) No.10512 of 2016
Date :14/09/2016