



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl.O.P(MD)No.4314 of 2016

Anthony Vincent : Petitioner/ De facto complainant

Vs.

1.State rep. by
The Inspector of Police,
Rameswaram Town Police Station,
Rameswaram,
Ramanathapuram District.
(Crime No.126 of 2015) : First Respondent/Complainant

2.Reegan
3.Premkumar
4.Reejab
5.David
6.Loogas
7.Jenson
8.Edison
9.Samsoon
10.Sathiyaraj
11.Arulmurugan : Respondents 2 to 11/Accused

Prayer: Criminal Original Petition is filed under Sections 439(2) of the Criminal Procedure Code praying to cancel the anticipatory bail granted to the respondents 2 to 11 by the learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram in Cr.M.P.No.3004 of 2015 dated 11.12.2015.

For Petitioner : Mr.M.Saravanan
For Respondent No.1 : Mr.P.Kannithevan,
Government Advocate (Crl.side).

For Respondents 2 to 11 : Mr.C.Jeyaprakash

O R D E R

This petition has been filed praying to cancel the anticipatory bail granted in favour of the respondents 2 to 11 by the learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram in Cr.M.P.No.3004 of 2015 dated 11.12.2015 made in Cr.M.P.No.3004 of 2015 by the learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram.

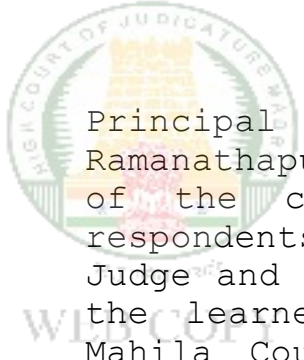


2. It is stated in the petition that the respondents 2 to 11 are arrayed as accused in Crime No.126 of 2015 on the file of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 427, 506(ii) IPC and Section 4 of Women Harassment Act, on the allegation that on 26.11.2015 due to previous enmity, the respondents 2 to 11 along with other accused persons formed an unlawful assembly with weapons, abused the de facto complainant in filthy language, assaulted her and caused injuries and also threatened her with dire consequences. The respondents 2 to 11 moved a petition for anticipatory bail before the learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram in Cr.M.P.No.3004 of 2015 and the learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram granted anticipatory bail to them vide order dated 11.12.2015. Since, the de facto complainant was taken treatment for 12 days and the same was not taken into consideration by the Court below, the petitioner has come up with the present petition for cancellation of anticipatory bail granted in favour of the respondents 2 to 11.

3. The learned counsel for the petitioner/de facto complainant submitted that the submission made on the side of the respondents 2 to 11 before the Court below is not correct and the petitioner/de facto complainant was sustained injury and admitted in hospital and taking treatment for 12 days and the same was not reported before the Court below and in collusion with the respondents 2 to 11, a false representation was made before learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram and based on the false representation, the learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram granted anticipatory bail to the respondents 2 to 11 and even after obtaining anticipatory bail, the respondents 2 to 11 committed similar offence of threatening and the petitioner gave complaints to the respondent police on 15.12.2015 and on 13.01.2016 and the same are pending and therefore prays for cancellation of anticipatory bail granted in favour of the respondents 2 to 11.

4. The learned Government Advocate (Criminal side) submitted that after getting instructions from the respondent police, a representation was made before the learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram and the learned Judge after considering the facts and circumstances of the case has granted anticipatory bail to the respondents 2 to 11.

5. The learned counsel for the respondents 2 to 11 submitted that the respondents 2 to 11 are daily wage employees and they have not committed any offence as alleged on the side of the petitioner and in order to harass them, a false complaint has been made and they have not indulged in such offence. The learned



Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram after considering all the facts and circumstances of the case granted anticipatory bail on condition. The respondents 2 to 11 complied the condition imposed by the learned Judge and they have not violated any of the conditions imposed by the learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram and prayed for dismissal of the Criminal Original Petition.

6. Considering the fact that the complaints lodged by the petitioner are pending enquiry before the respondent police and also the submission made on the side of the respondents 2 to 11 that they have not indulged in the offence as alleged on the side of the petitioner, this Court is not inclined to cancel the anticipatory bail granted in favour of the respondents 2 to 11 by the learned Principal District and Sessions Judge (Fast Track Mahila Court), Ramanathapuram and accordingly this petition is dismissed.

Sd/-

Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

smn
To

1. The Principal District and Sessions Judge
(Fast Track Mahila Court),
Ramanathapuram.

2. The Inspector of Police,
Rameswaram Town Police Station,
Rameswaram,
Ramanathapuram District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr. R. J. KARTHICK, Advocate, Sr.No: 47555

+1 cc to Mr. C. JEYAPRAKASH, Advocate, Sr.No: 47069

JAM/AAL-MPA/21.09.16/ 3p-6c

ORDER MADE IN
Crl.O.P (MD) No.4314 of 2016
24.08.2016