



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Cr1.O.P(MD)No.7030 of 2016

Pooranam

: Petitioner

Vs.

1. The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.
(Crime No.73 of 2016)

2. Ilango (A1)
3. Vasudevan (A2)
4. Lakshmi (A3)

: Respondents

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 4 by the learned District Sessions Judge, Sivagangai, passed in Cr.M.P.No.710 of 2016, dated 18.03.2016.

For Petitioner : Mr.S.Jayakumar
(No appearance)
For Respondent No.1 : Mr.P.Kannithevan,
Government Advocate (Cr1.side).
For Respondents 2 to 4: Mr.R.Sundar Srinivasan
(No appearance)

ORDER

This petition has been filed praying to cancel the anticipatory bail granted in favour of the respondents 2 to 4 vide order dated 18.03.2016 made in Cr1.M.P.No.710 of 2016 by the learned Sessions Judge, Sivagangai.

2.It is averred in the petition that on 11.03.2016, due to previous enmity, the respondents 2 to 4 herein abused the de facto complainant in filthy language and attacked her with iron rod and her daughter prevented them. The respondents 2 to 4 also pelted bricks over her house and threatened her with dire consequences. The petitioner suffered severe head injury. On complaint, a case



has been registered in Crime No.73 of 2016 for the offences punishable under Sections 294(b), 324 and 506(ii) IPC. The petitioner was admitted in Government Hospital, Thiruvadanai from 11.03.2016 to 14.03.2016 and on 14.03.2016, she was sent to the Government Rajaji Hospital, Madurai for better treatment and she was treated as inpatient till 22.03.2016. While so, on 15.03.2016, the respondents 2 to 4 filed a petition for anticipatory bail before the learned Sessions Judge, Sivagangai in CrI.M.P.No.710 of 2016. When the said petition was came up for hearing on 18.03.2016 before the Sessions Court, the first respondent police was colluded with the respondents 2 to 4 and suppressed the fact that the petitioner was taking treatment in the Government Rajaji Hospital, Madurai and fraudulently stated that the petitioner was discharged from the hospital. Therefore the petitioner has come up with the present petition for cancellation of the anticipatory bail granted in favour of the respondents 2 to 4 by the learned Sessions Judge, Sivagangai.

3. When the matter was taken up for hearing on 11.07.2016 and 13.07.2016, there was no representation on the side of the petitioner and therefore this petition was posted today under the caption for dismissal and even today, there is no representation on the side of the petitioner and there is no representation on the side of the respondents 2 to 4 also. Under the said circumstances, this petition is disposed of on merits on the basis of the arguments advanced on the side of the first respondent.

4. The learned Government Advocate (Criminal side) submitted that the petitioner was discharged on 14.03.2016 and subsequently she was admitted in the Government Rajaji Hospital, Madurai. On the date of granting anticipatory bail, the petitioner was discharged from the hospital and the said fact has been submitted before the Sessions Court. Investigation is pending.

5. Considering the submission made on the side of the first respondent that on the date of granting anticipatory bail to the respondents 2 to 4, the petitioner was discharged from the hospital and the said fact has been submitted before the Sessions Court, this Court is not inclined to cancel the anticipatory bail granted in favour of the respondents 2 to 4 by the Sessions Court, Sivagangai and accordingly this petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The Sessions Judge, Sivagangai.

2. The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.

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

+ 1 CC TO MR.S.JAYAKUMAR, ADVOCATE IN SR No. 36927

+ 1 CC TO MR.R.SUNDAR SRINIVASAN, ADVOCATE IN SR No. 37080

SMN

TE/GSV-PM/ : 28/07/2016 : 3P/6C

ORDER MADE IN
Cr1.O.P (MD) No.7030 of 2016
15.07.2016