

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2017

CORAM:

THE HON'BLE MR.JUSTICE S.BASKARAN

Crl.O.P.No.9495 of 2017

S.Murugan ..Petitioner/Defacto complainant

Vs

1.The Inspector of Police
Thirumullaivoyal Police Station
Chennai ..1st Respondent/Complainant

2.Sunitha @ Porkodi

3.Angel Peter ..Respondents 2 and 3 /
Petitioners in Crl.O.P.No.7504/2017
/Accused 2 and 3

Criminal Original Petition filed under Section 438(2) Cr.P.C.,
seeking to cancel the bail granted in Crl.O.P.No.7504 of 2017 dated
24.04.2017 in favour of 2nd and 3rd respondents herein to secure the
ends of justice.

For petitioner : Mr.R.Sankarasubbu

For respondents: Mr.R.Sekar, Govt.Advocate (Crl.Side) for R1

Mr.M.L.Ramesh for R2.

ORDER

This petition has been filed praying to cancel the Anticipatory Bail granted in CrI.O.P.No.7504 of 2017 dated 24.04.2017 in favour of 2nd and 3rd respondents herein.

2. Heard the learned counsel for the petitioner/defacto complainant and the learned counsel for the 2nd respondent.

3. The learned counsel for the petitioner/defacto complainant has submitted that on the false representation made by 2nd and 3rd respondents herein in respect of grant of bail to 1st accused and on wrong facts, they obtained order of Anticipatory Bail. He further submits that to secure the ends of justice, it is necessary to cancel the anticipatory bail granted in CrI.O.P.No.7504 of 2017 dated 24.04.2017.

4. This court heard the submissions of the learned counsel for the petitioner/defacto complainant and perused the typed set of papers filed along with this CrI.O.P. It is seen that interim bail granted to A-1 by the trial court has been cancelled by Judicial Magistrate, Ambattur, itself on 26.04.2017 on the finding that A-1 has failed to comply with the condition imposed by the said court and warrant has

also been issued against him and the same is pending. In such circumstances, the petitioner/defacto complainant now seeks to cancel the anticipatory bail already granted to respondents 2 and 3 herein by this court by order dated 24.04.2017.

5. Heard the learned Government Advocate (Crl.Side) on the above submissions.

6. The learned counsel for 2nd respondent submits that the second respondent herein who has been arrayed as A-2 has availed the order of anticipatory bail granted by this court and executed the bail order dated 24.04.2017 but the third respondent herein who has been arrayed as A-3 has not availed the anticipatory bail granted to him. He further submits that the second respondent herein/A-2 complied with the conditions imposed by this court after availing the order of Anticipatory Bail and she is prepared to abide by any condition to be imposed by this court if there is any violation pointed out by the 1st respondent Police. The learned counsel also relied upon the Ruling of Supreme Court reported in **CDJ 2014 SC 1023 [Abdul Basit @ Raju & Others Versus Md.Abdul Kadir Chaudhary and Another]** and contended that this Court is not entitled to set aside the bail order

already granted.

7. Taking into consideration the facts and circumstances of the case that second respondent/A-2 has not violated any condition imposed by this court in the order of anticipatory bail, no ground is made out by the petitioner/defacto complainant for cancelling the same. As such, the prayer sought for in this petition as far as 2nd respondent/A-2 stands dismissed. The plea of the petitioner/defacto complainant in respect of respondent No.3/A-3 is concerned, since he has not availed the order and no execution of anticipatory bail order taken place, there is no need for cancelling the same, as he is no longer in bail.

8. The CrI.O.P., is disposed of accordingly.

06.09.2017

nvsri

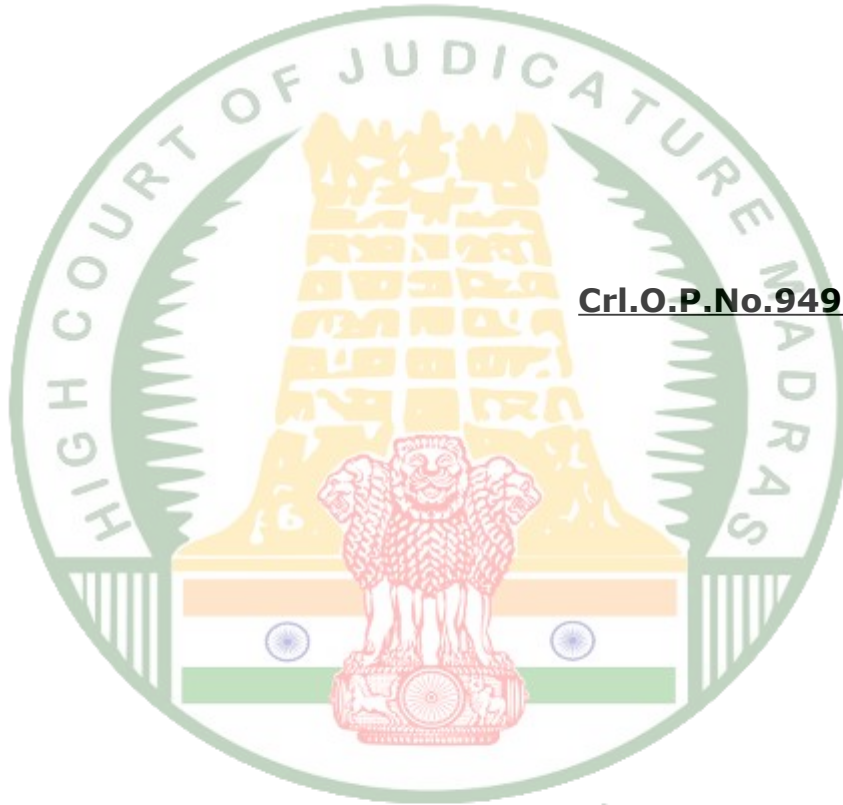
To

1.The Inspector of Police
Thirumullaivoyal Police Station
Chennai

2.The Public Prosecutor Officer, High Court, Madras.

S.BASKARAN,J.

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Crl.O.P.No.9495 of 2017

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06.09.2017

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