

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.26920 of 2017

DR.KANNAKI

[PETITIONER / ACCUSED]

Vs

1 THE INSPECTOR OF POLICE,
GUDIYATHAM TOWN POLICE STATION,
GUDIYATHAM TALUK,
VELLORE DISTRICT CR.NO.146 OF 2017.

[RESPONDENTS]

2 SUDHAKAR

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the anticipatory bail granted to the 2nd respondent by an order dated 11.09.2017 passed in CrI.O.P.No.4633 of 2017 on the file of this Hon`ble Court and consequently direct the 1st respondent to arrest the 2nd respondent.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.R.THANGAVEL Advocate for the petitioner and of PUBLIC PROSECUTOR FOR R1 on behalf of the Respondent the court made the following order:-

This petition has been filed to cancel the anticipatory bail granted by this Court, by order dated 11.09.2017 in CrI.O.P.No.4633 of 2017 to Sudhakar/second respondent.

2. On the complaint lodged by Kannaki, the respondent police registered a case in Cr.No.146 of 2017 on 10.03.2017 under Section 420 IPC against Sudhakar [A1] and Jayaraj [A2]. Sudhakar [A1] filed CrI.O.P.No.4633 of 2017 for anticipatory bail, in which, this Court by order dated 11.09.2017, granted anticipatory bail on certain conditions. While so, Kannaki is before this Court for cancelling the anticipatory bail that was granted to Sudhakar [A1] on the ground that, Sudhakar [A1] is threatening her for withdrawing the complaint.

3. Mr.R.Neelamegam, Sub-Inspector of Police, Gudiyatham Town Police Station is present.

4. Learned counsel for the petitioner/Kannaki submitted that Sudhakar [A1] has not even surrendered before the Judicial Magistrate, Gudiyatham and has executed sureties. On instructions, learned Government Advocate [CrI.Side] conceded the position and submitted that Sudhakar [A1] had not reported to the police in compliance with the order dated 11.09.2017. Though it is open to

this Court to cancel the anticipatory bail, however, since notice has not been served on Sudhakar [A1], no order prejudicial to his interest should be passed by this Court.

4. In paragraph 6(e) of the order dated 11.09.2017, in Crl.O.P.No.4633 of 2017, this Court has stated as follows:

"[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

5.Thus, this Court has empowered the Judicial Magistrate, Gudiyatham to cancel the anticipatory bail for non-compliance with the conditions imposed by this Court

6. In such view of the matter, it is always open to the petitioner and the police to move the learned Judicial Magistrate, Gudiyatham, for cancellation of the anticipatory bail.

With the above observation, this petition is closed.

-sd/-
21/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
GUDIYATHAM, VELLORE DISTRICT.

2 THE INSPECTOR OF POLICE,
GUDIYATHAM TOWN POLICE STATION,
GUDIYATHAM TALUK, VELLORE DISTRICT .

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.R.THANGAVEL Advocate on payment of necessary charges

CRL OP.26920/2017

Date :21/12/2017

MLT-27/12/2017