

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2017

C O R A M

THE HONOURABLE Mr.JUSTICE S.BASKARAN

Crl.O.P.No.26167 of 2016

S.N.Binusha

...Petitioner/Defacto/Complainant

Vs.

1. The State rep. By
The Sub-Inspector of Police,
All Women Police Station,
Kancheepuram.

2. S.Latha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 439 (ii) of Cr.P.C., to cancel the anticipatory bail granted to the second respondent herein in Crl.M.P.No.1768 of 2016 on 23.11.2016 on the file of District and Sessions Court-II, Kancheepuram.

For Petitioner : M/s.K.Nagarajan

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

O R D E R

This criminal original petition has been filed to cancel the anticipatory bail granted to the second respondent herein in Crl.M.P.No.1768 of 2016 on 23.11.2016 on the file of District and Sessions Court-II, Kancheepuram.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent.

3. The petitioner herein, among other averments seeking cancellation of anticipatory bail, stated that the pendency of D.V.case has not been disclosed by the 2nd respondent/mother-in-law in her Anticipatory bail application in Crl.M.P.No.1768 of 2016 and also suppressed the pendency of earlier bail

applications. It is contended that the 2nd respondent had deliberately suppressed the said facts and had obtained anticipatory bail before District Sessions Court-II, Kanchipuram, by order dated 23.11.2016. Now the petitioner seeks cancellation of anticipatory bail granted to the 2nd respondent herein.

4. Considering the above submission of the learned counsel for the petitioner/defacto complainant that the 2nd respondent has obtained anticipatory bail order before Sessions Judge-II, District Sessions Court-II, Kanchipuram, by suppressing the facts regarding pendency of earlier anticipatory bail applications and the pendency of D.V.Case on the one hand but on the other hand considering the 2nd respondent's age and the other attendant circumstances specified by her before the court below and the observations of the said court that the 2nd respondent is having lot of ailments etc, this court is not inclined to cancel the anticipatory bail already granted. However, taking note of the conduct of the 2nd respondent herein inasmuch as the deliberate suppression of fact, she is directed to pay a cost of Rs.5,000/- to the Tamil Nadu State Legal Services Authority attached to High Court, Madras, within 10 days from the date of receipt of a copy of this order.

This petition is disposed of on the above terms.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

kmi/nvsri

To

1. The District and Sessions Court-II,
Kancheepuram.
2. The Sub-Inspector of Police,
All Women Police Station,
Kancheepuram.
3. The Public Prosecutor,
High Court, Madras.

Copy to:

The Tamil Nadu State Legal Services Authority,
High Court, Madras-104.

+1cc to Mr.K.Nagarajan, Advocate in sr.no.51061(20/07/2017)

CrI.O.P.No.26167 of 2016

SAI (CO)
NR 18/07/2017



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