

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.26524 and 26525 of 2016

K. Paramasivam

..Petitioner in both the Crl.O.P's

Vs.

1. N.Kamaraj

2. The State of Tamil Nadu,
Represented by its
Inspector of Police,
Manalmedu Police Station,
Nagapattinam District,
Crime No.67/2016

..Respondents in Crl.O.P.No.26524 of 2016

1. N.Venkatesh

2. N. Saravanan

3. Ennarasu

4. The State of Tamil Nadu,
Represented by its
Inspector of Police,
Manalmedu Police Station,
Nagapattinam District,
Crime No.67/2016

... Respondents in Crl.O.P.No.26525 of 2016

PRAYER IN Crl.O.P.No.26524 of 2016: Criminal Original Petition filed under Section 482(ii) of the Code of Criminal Procedure to cancel the anticipatory bail granted to the first respondent herein and petitioner in the above said Crl.O.P.No.5337/2016 on 17.03.2016.

PRAYER IN Crl.O.P.No.26525 of 2016: Criminal Original Petition filed under Section 482(ii) of the Code of Criminal Procedure to cancel the anticipatory bail granted to the respondents 1 to 3 herein and the petitioners in the above said Crl.O.P.No.5268/2016 on 17.03.2016.

For Petitioner in both
the Crl.O.P's : Mr. C. Sivakumar

For Respondents in
Crl.O.P.No.26524 of 2016 : Mr. C. Emalias
Additional Public Prosecutor for R2
Mr. M. Ravikumar for R1

For Respondents in
Crl.O.P.No.26524 of 2016 : Mr. C. Emalias
Additional Public Prosecutor for R4
Mr. M. Ravikumar for R1 to R3.

COMMON ORDER

These Criminal Original Petition has been filed to cancel the anticipatory bail granted to the first respondent herein and petitioner in the above said Crl.O.P.No.5337/2016 on 17.03.2016, in Crl.O.P.No.26524 of 2016, and to cancel the anticipatory bail granted to the respondents 1 to 3 herein and the petitioners in the above said Crl.O.P.No.5268/2016 on 17.03.2016, in Crl.O.P.No.26525 of 2016 .

2. Heard both the sides.

3. Mrs. M.Radhabai, Sub Inspector of Police, Manalmedu Police, Nagapattinam District is present.

4. It is seen that on the complaint lodged by Paramasivam the respondent police registered a case in Crime No.67 of 2016 on 05.03.2016 under Sections 341, 294B, 324, 326, 506(ii) of IPC against four accused including Kamaraj, Venkatesh, Saravanan and Ennarasu.

5. Kamaraj filed Crl.O.P.No.5337 of 2016 and Venkatesh, Saravanan and Ennarasu filed Crl.O.P.No.5268 of 2016 for anticipatory bail. This Court by order dated 17.03.2016 granted anticipatory bail to all the four accused on certain conditions.

6. Now the defacto complainant has filed the present two applications for cancellation of anticipatory bail on the ground that the accused have not complied with the conditions.

7. On instructions learned Additional Public Prosecutor submitted that investigation in Crime No.67 of 2016 was completed and charge sheet has been filed before the Judicial Magistrate No.I, Mayiladuthurai on 31.05.2017 but the same has not been taken on file.

8. The learned Additional Public Prosecutor also submitted that all the accused are available in the village and they are not in abscondence.

9. Taking into consideration the nature of allegations in the FIR, and the fact that the investigation has been completed and charge sheet was filed. This Court is of the view that it will not be in the interest of justice, if the anticipatory bail that was granted to the accused is cancelled at this distant point of time.

Accordingly, this Criminal Original Petition is closed.

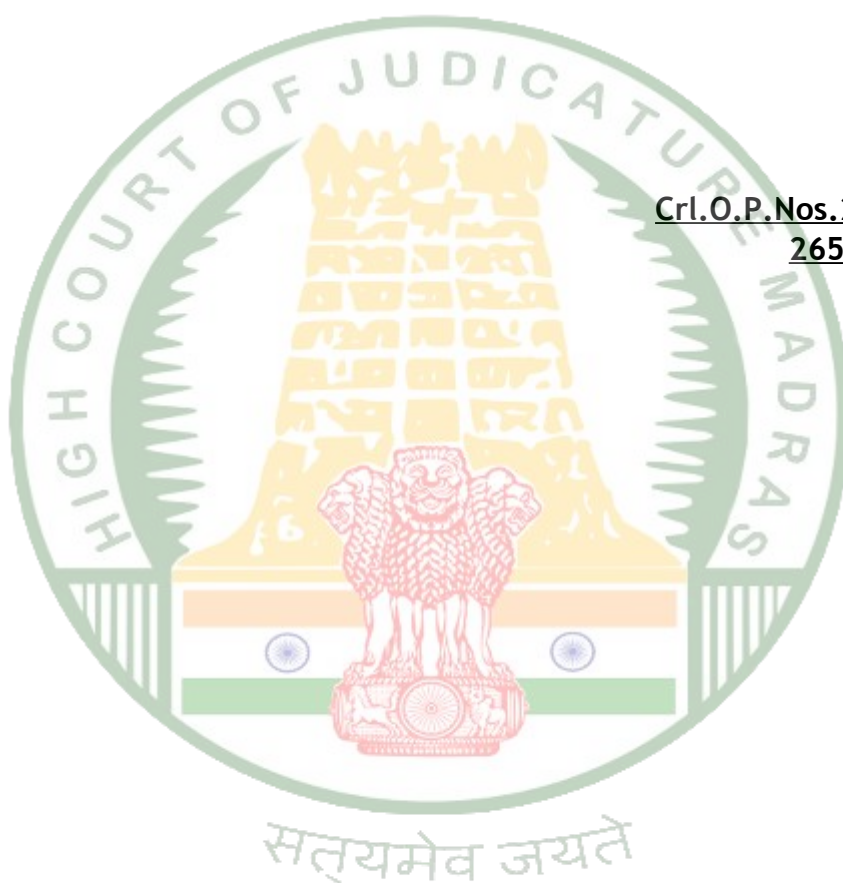
14.09.2017

Index:yes/no
bri/aav



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P.N.PRAKASH, J.,
bri/aav



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