



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD)No.391 of 2014

and

M.P(MD)No.1 of 2014

T.Ramakrishnan

... Petitioner/petitioner.

-Vs-

The State of Tamil Nadu,
represented by
The Inspector of Police,
Rajakkamangalam Circle,
Eathamozhi Polie Station,
through the Public Prosecutor,
Kanyakumari District at Nagercoil ...Respondent/Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying this Court to call for the records relating the order passed in Crl.M.P.No.2940 of 2014, dated 2.9.2014, on the Court of Sessions, Kanyakumari Division, at Nagercoil and to set aside the same.

For Petitioner : Mr.D.Venkatesh
for M/s.M.P.Senthil

For Respondent : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor (Crl. Side)

O R D E R

Challenging the order cancelling the anticipatory bail granted in favour of the Petitioner, the present revision is filed.

2.The Petitioner is an accused in Crime No.181 of 2014, for the offence under Sections 147, 148, 448, 506(11), 294(b) IPC r/w Section 3(1) of TNPPDL Act. Earlier, the Petitioner filed a petition seeking anticipatory bail before the Sessions Court, Kanyakumari at Nagercoil in Crl.M.P.No.2848 of 2014 and the lower Court has also granted the relief of anticipatory bail by order dated 21.8.2014. Thereafter, the respondent-Police filed a petition to cancel the anticipatory bail on the ground that the de-facto complainant has filed a Crl.O.P.No.14712 of 2014 before this Court seeking police protection to her and to her mentally ~~severely~~ ^{mentally} ill son who reside in her house in S.No.54/6 at Dharmapuram Village, Agasteeswaram Taluk, Nagercoil, Kanyakumari District. In



the above Criminal Original Petition, the Petitioner is also shown as fourth respondent. While filing the anticipatory bail application, the Petitioner had suppressed the pendency of the above Criminal Original Petition pending before this Court. For Suppression of the above said fact, anticipatory bail granted to the Petitioner is cancelled. Challenging the same, the present revision is filed.

3.The Court below after considering the rival contentions come to the conclusion that the pendency of the Criminal Original Petition filed by the de-facto complainant was not brought to the notice of the Court below. Had it been brought to the notice of the Court, anticipatory bail would not have been granted to the Petitioner and holding so, the court below cancelled the anticipatory bail granted to the Petitioner.

4.I have heard the submissions of Mr.D.Venkatesh, for M/s.M.P.Senthil, learned counsel for the Petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and considered the materials available on record.

5.The court below cancelled the anticipatory bail only on the ground that the pendency of the Police protection petition filed by the de-facto complainant was not brought to the notice of the Court. Merely because the de-facto complainant has filed a petition seeking police protection and on that score, the anticipatory bail granted to the Petitioner cannot be cancelled. If at all, there is any violation of the conditions imposed by the Court below, it is always open to the Court below to cancel the anticipatory bail, after giving notice to the accused.

6.From the records, it is seen that, in a civil dispute, the Petitioner obtained a decree for specific performance. Subsequently, the decree was executed and a sale deed was executed in favour of the Petitioner and he also sold the property in favour of third parties. In the above circumstances, non-disclosure of Police Protection Petition is not a ground for cancelling the anticipatory bail granted in favour of the Petitioner. Therefore the order impugned herein is liable to be set aside.

7.Accordingly, the Criminal Revision Petition is allowed and the order passed in CrI.M.P.No.2940 of 2014, dated 2.9.2014, on the file of Court of Sessions, Kanyakumari Division, at Nagercoil is set aside. Consequently, connected Miscellaneous Petition is closed.

Sd/-

ASSISTANT REGISTRAR(CS-I)



To

1.The Sessions Judge,
Kanyakumari Division at Nagercoil.

2.The Inspector of Police,
Rajakkamangalam Circle,
Eathamozhi Police Station,
Kanyakumari District.

3.The Public Prosecutor,
Kanyakumari at Nagercoil.

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

+1 CC TO MR.M.P.SENTHIL, ADVOCATE, SR NO.64747

vsn

MAS/MR-KKR/SAR2:20.07.2017:3P-6C

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and
M.P (MD) No.1 of 2014
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