

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.10.2018
CORAM:
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No.17800 of 2018

A.Murugesan ... Petitioner
/Vs/

1. Thangarasu

2. The State Rep.by
The Inspector of Police,
Kunnam Police Station,
Perambalur District.
(In Crime No.204/2018) ... Respondents

PRAYER: Criminal Original Petition filed under section 439(2) of Cr.P.C., seeking to cancel the anticipatory bail granted to the first respondent/accused in Crl.O.P.No.15687/2018 on 19.06.2018.

For Petitioner : Ms.M.Malaviya

For R-1 : No Appearance

For R-2 : Mr.K.Prabhakar

Additional Public Prosecutor

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O R D E R

The petition has been filed by the petitioner/de-facto complainant to cancel the anticipatory bail granted to the 1st respondent/accused in Crl.O.P.No.15687 of 2018 on 19.06.2018. On a complaint given by the de-facto complainant, the case was initially registered against the first respondent in Crime No.204 of 2018 by the second respondent.

2. The first respondent had approached this Court, seeking anticipatory bail and this Court by order dated 19.06.2018 had granted the anticipatory bail, with the condition to report before the 2nd respondent police daily at 10.30 a.m and 5.30 p.m. until further orders. The allegation levelled against the 1st respondent in the present petition for cancellation of anticipatory bail is that subsequent to the grant of anticipatory bail the first respondent on 20.06.2018, before getting the order copy of this Hon'ble Court and surrendering and executing the order had entered into the village and went in front of the house of the petitioner and threatened all the family members with dire consequences, by showing the scimitar and criminally intimidated the petitioner.

3. This Court had ordered notice to the respondents and the first respondent had entered appearance and also filed a counter.

4. In the counter, the first respondent had denied the allegations, stating that due to a previous enmity and in order to get the anticipatory bail cancelled, a false complaint had been preferred by the petitioner/de-facto complainant and that on the alleged date he was not in station.

5. This Court directed the Additional Public Prosecutor to get instructions from the second respondent/police with the 2nd complainant made by the petitioner. He would on instructions from the second respondent/police submit that the petitioner/de-facto complainant had preferred a complaint through post sent from Chennai on 26.06.2018 and it had been received by post and

based on which the proceeding in C.Nos.C3/9789/2018 and 242/SP/FIPS/2018 had been initiated by the 2nd respondent and he had conducted an enquiry and had filed a report stating that on the alleged date of occurrence stated by the petitioner, the first respondent was not at all present at the village and that they have closed the complaint, stating that the petitioner had given a false complaint.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking into consideration the report of the second respondent/police, I am not inclined to cancel the anticipatory bail to the first respondent/accused.

A.D.JAGADISH CHANDIRA,J.

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7. Hence, the Criminal Original Petition is dismissed.

26.10.2018

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To

1. The Inspector of Police,
Kunnam Police Station,
Perambalur District.

2. The Public Prosecutor,
High Court of Madras.

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