

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.270 of 2018

Mr.K.M.Shahul Hameed,
S/o.K.M.A.Mohideen Khadar.

...Petitioner

Vs.

1.State, Rep. by
The Inspector of Police,
D-1, Police Station,
Triplicane, Chennai-600 005.
...1st Respondent

2.Ahamed Jaluthin,
S/o.Mohamed Farook.

3.Y.Mohammed,
S/o.Younus.

4.Pattani Ismath Batcha,
S/o.Abdul Majeed.

..Respondents 2 to 4

PRAYER: Criminal Original Petition filed under Section 439 (ii) of Cr.P.C., to cancel the anticipatory bail granted by the learned Principal Sessions Judge at Chennai to the respondents 2 to 4 dated 13.12.2017 in Crl.M.P.No.19789 of 2017 in Crime No.1219 of 2017 and direct the first respondent to arrest and commit the respondents 2 to 4 in custody in Crime No.1219 of 2017 for the offences punishable under sections 448, 341, 294(b), 324, 307 and 506(ii) IPC.

For Petitioner : Mr.R.Balachanderan

For R1 : Mr.C.Iyyapparaj
Additional Public Prosecutor.

O R D E R

This criminal original petition has been filed to cancel the anticipatory bail granted to the respondents 2 to 4 in Crl.M.P.No.19789 of 2017, by the learned Principal Sessions Judge, Chennai, on 13.12.2017.

2.The petitioner is the defacto complainant. The case of the prosecution is that the petitioner in CrI.M.P.No.18029/2017 is functioning as secretary of Dr.Zakhir Hussain College Society, Illayangudi, Sivagangai District for the past 10 years duly elected by the General Body for the year 2014 to 2017 and the 2nd respondent/1st accused has committed various criminal acts for which an enquiry was conducted by UGC and was conducted after the investigation, the CBI registered FIR in Cr.No.RCA MA1 of 2013 A0033 of 2013 and a charge sheet has been filed before the Chief Judicial Magistrate, Madurai. Further, the Registrar of Societies also conducted detailed enquiry and as such found malpractices in the management of the college and sent his report dated 02.07.2013 and recommended to appoint a Special Officer for management of college Society by removing the executive committee of Dr.Zakhir Hussain College Society and orders were also passed by the Education department for taking over the direct management of the college. While such being the position, on 11.11.2017, in order to murder the defacto complainant, one Rasool Khan had engaged cooligans. Hence, the defacto complainant had filed a complaint before the respondent police and a case was registered under Sections 448, 341, 294-B, 324, 307 and 506 (ii) of IPC. The respondents 2 to 4 have also committed crime in Crime No.317 of 2017 for the offences punishable under Sections 448, 294(b), 324, 506(ii), 307, 120(b) of IPC and Sect.3 of TNPPDL Act on the file of the Illayangudi Police Station, Sivagangai District.The accused have moved bail application for Crime No.1219 of 2017 and the same was dismissed. Though the offences in crime No.1219 of 2017 was duly recorded in CCTV camera and the same was very much available with the respondent police, the respondent police has not taken steps to secure the accused persons. Though the earlier petition was dismissed, thereafter the accused persons were granted anticipatory bail by the Principal Sessions Judge, Chennai in CrI.M.P.No.19879 of 2017 on 13.12.2017. Aggrieved by the same, the petitioner has filed the present petition seeking for cancellation of anticipatory bail granted to the respondents 2 to 4 on 13.12.2017.

3.Heard both sides.

4.The learned Additional Public Prosecutor would submit that the law enforcing agency conducted investigation and submitted that earlier a litigation is pending between the defacto complainant and the accused persons in various courts.

5.On perusal of records, it is seen that the learned Principal Sessions Judge, Chennai, after having detailed discussions had granted anticipatory bail to the accused

persons in the year 2017, itself. After a lapse of one year, the present petition has been filed seeking for cancellation of bail. I do not find any merit in this case that warrants interference in the order dated 13.12.2017 passed by the Learned Principal Sessions Judge, Chennai. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

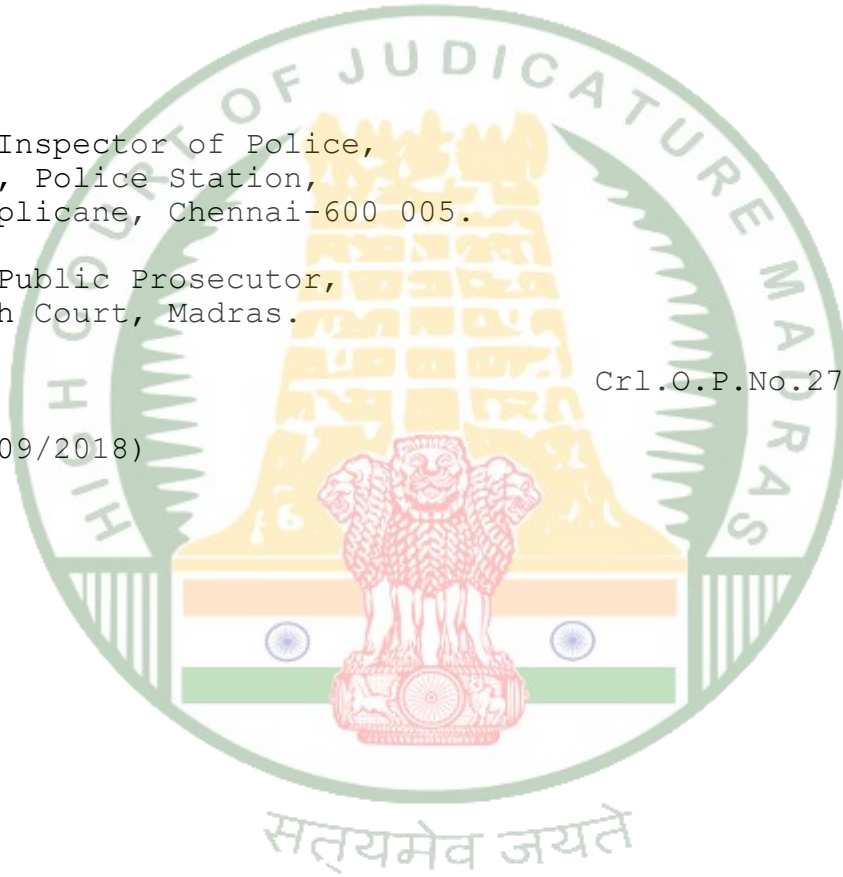
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To

1. The Inspector of Police,
D-1, Police Station,
Triplicane, Chennai-600 005.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.270 of 2018

ASK(26/09/2018)



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