IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.11289 of 2017

Anand ... Petitioner

Versus

1.The State by Inspector of Police,
Central Crime Branch,
Coimbatore City,
(FIR No.13 of 2017)

2.K.Dhanaraj

3.Jesintha Mary Xavier ... Respondents

Criminal Original Petition filed under Section 439(2) of Criminal Procedure Code, praying to cancel the Anticipatory Bail granted to the second and third respondents/ A1 & A2, by order dated 06.04.2017 in Crl.O.P.No.4015 of 2017 in connection with Crime No.13 of 2017 on the file the first respondent.

For Petitioner : Mr.I.Abrar Md Abullah

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

For R2 & R3 : Mr. Prem Anandhan

O R D E R

This petition has been filed for cancelling the Anticipatory Bail granted to the second and third respondents/ A1 & A2, by order dated 06.04.2017 in Crl.O.P.No.4015 of 2017 in connection with Crime No.13 of 2017 on the file the first respondent. The second and third respondents were apprehending arrest in Crime No.13 of 2017 on the file of the Inspector of Police, Central Crime Branch, Coimbatore for the alleged offences under Sections 471, 419, 420 and 120(b) of IPC.

2. The case of the prosecution is that the respondents 2 and 3 have already filed two Anticipatory Bail petitions in

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Crl.OP.No.3750 of 2017 and Crl.OP.No.4015 of 2017 by engaging two counsel for two petitions. Crl.OP.No.3750 of 2017 was withdrawn by one counsel, by an order dated 13.03.2017 on the file of this Court. The respondents 2 and 3 have suppressed the order made by this Court and filed a fresh Crl.OP.No.4015 of 2017 and obtained an order of the Anticipatory Bail on 06.04.2017 from this Court. Thereafter, the petitioner sought for cancelling the Anticipatory Bail, issued by this Court to the respondents 2 and 3/ A1 & A2.

3. The learned counsel for the respondents 2 and 3 would submit that the respondents 2 and 3 had never suppressed the previous Anticipatory Bail petition filed before this Court. Due to wrong instructions given by the two counsel in respect of two petitions in Crl.OP.No.3750 of 2017 and Crl.OP.No.4015 of 2017, in which, earlier Crl.OP.No.3750 of 2017 was withdrawn as per order of this Court, dated 13.03.2017. Before registering the First Information Report, a petition was filed in Crl.OP.No.3932 of 2017, which was also dismissed as withdrawn.

4. This Court, considering the facts and circumstances of the case, granted Anticipatory bail to them in Crl.OP.No.4015 of 2017 dated 06.04.2017, on condition that they shall deposit a sum of Rs.4,00,000/- to the credit of Crime No.13 of 2017 before the Magistrate concerned. Thereafter, by an order dated 27.04.2017 in Crl.MP.NO.5929 of 2017 in Crl.OP.No.4015 of 2017, it was modified to the tune of Rs.3,00,000/- to the credit of the same and the said condition was duly complied with by them and as directed by this Court, the respondents 2 and 3/A1 & A2 were deposited the said sum of Rs.3,00,000/- to the credit of Crime No.13 of 2017 before the Judicial Magistrate-II, Coimbatore. Therefore, the condition imposed by this Court has already been complied with by the respondents 2 and 3/A1 & A2. Therefore, the learned counsel for the respondents sought for dismissal of petition seeking cancellation of anticipatory.

5. The learned Additional Public Prosecutor appearing for the first respondent would submit that the conditions imposed by this Court has been duly complied with by the respondents 2 and 3/A1 & A2 and the modified sum of Rs.3,00,000/- was also deposited by them to the credit of Crime No.13 of 2017 before the Judicial Magistrate-II, Coimbatore.

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6. Heard both sides.

7. It is seen from the records that the respondents 2 and 3, originally filed the petition in Crl.OP.No.3932 of 2017 before this Court, when the crime was not registered by the first respondent. Therefore, it was dismissed as withdrawn. Subsequently, after registration of FIR in Crime No.13 of 2017

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in respect of the offences under Sections 471, 419, 420 and 120 (b) of IPC by the first respondent, the respondents 2 and 3 filed two applications by fixing two counsel in Crl.OP.No.3750 of 2017 and Crl.OP.No.4015 of 2017 before this Court. Thereafter, one petition, i.e., Crl.OP.No.3750 of 2017 was pressed dismissed as withdrawn. In Crl.OP.No.4015 of 2017, this Court considered the facts and circumstances of the case and granted the anticipatory bail to the respondents 2 and 3 on condition that they shall deposit a sum of Rs.4,00,000/- to the credit of Crime No.13 of 2017 before the Magistrate concerned and thereafter, it was modified to the tune of Rs.3,00,000/- to the credit of Crime No.13 of 2017 before the Judicial Magistrate-II, Coimbatore. Therefore, they have duly complied with the conditions imposed by this Court.

8. Considering the entire conspectus of the case, this Court is not inclined to cancel the anticipatory bail. Hence, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate-II,
Coimbatore.

2.The State by Inspector of Police,
Central Crime Branch,
Coimbatore City.

3.The Public Prosecutor,
High Court of Madras, Chennai.

CRL.O.P.No.11289 of 2017

RGN(CO)
CSL/14.12.2018

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