



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Seventeenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.11531 of 2017

IN

CRL OP(MD) No.12776 of 2017

THE INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

... PETITIONER/COMPLAINANT

Vs

POGAPPAN

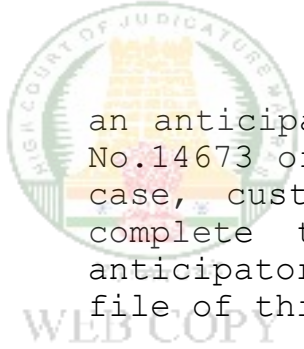
... RESPONDENT/ACCUSED No.1

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the bail granted in Crl.OP.(MD).No.12776/2017 dated 27.09.2017 on the file of this Honorable Court in favour of the respondent/accused No.1

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.ROBINSON, Government Advocate (Crl.Side) Advocate for the petitioner and of MR.R.PONKARTHIKEYAN, Advocate on behalf of the Respondent, the court made the following order:-

The petitioner/complainant filed this petition seeking the relief of cancellation of the anticipatory bail granted to the respondent in Crl.O.P(MD).No.12776 of 2017 on the file of this Court, dated 27.09.2017.

2.The petitioner states that accused No.1 said to have created a power of attorney on 09.06.2006 and on the strength of the said power of attorney, it is alleged that the property was sold to other accused persons and there is a dispute between the petitioner and the defacto complainant, with regard to property. The petitioner further states that the accused was granted anticipatory bail on 27.09.2017. After obtaining the anticipatory bail, the respondent/accused No.1 is not co-operating for investigation. Under the circumstances the other accused persons 4 to 6 had moved



an anticipatory bail application before this Court in CrI.O.P.(MD). No.14673 of 2017. Since this respondent is a prime accused in this case, custodial interrogation of the respondent is necessary to complete the investigation. Hence, he seeks cancellation of anticipatory bail granted in CrI.O.P(MD).No.12776 of 2017, on the file of this Court, dated 27.09.2017.

3.The learned counsel appearing for the respondent contended that since no intimation was received from the petitioner for the appearance of the respondent for the investigation, he has no knowledge with regard to the investigation.

4.Submissions made on either side are considered. The Station House Officer, Vachakarapatti Police Station, Virudhunagar District, filed this application, in which, he seeks the relief to cancel the anticipatory bail granted in favour of the respondent, in the Order passed in CrI.O.P(MD).No.12776 of 2017 on the file of this Court, dated 27.09.2017. The only contention raised by the petitioner is that the respondent herein has not co-operated for completing the investigation. On the other hand, the learned counsel appearing for the respondent submitted that no notice has been served with respondent for the appearance. Further, he submitted without any document, the respondent herein not having any knowledge with regard to the investigation.

5.Considering the submissions on either side, if it is true that the investigation is really interrupted due to the non appearance of the respondent, he may issue a notice to the respondent for his appearance. But without issuing any notice, the submission made by the petitioner that the respondent has not co-operated for completing investigation is not a bonafide attempt on the part of the petitioner. So cancellation of the anticipatory bail is not necessary for completing the investigation. The Investigation Officer is having liberty for directing the respondent to appear for interrogation.

6.In the result, this petition is dismissed.

sd/-
17/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to R.PONKARTHIKEYAN, Advocate SR.No.843

ORDER
IN
CRL MP (MD) No.11531 of 2017
IN
CRL OP (MD) No.12776 of 2017
Date :17/01/2018

PK/RR/SAR-1/23.01.2018 : 3P/6C