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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 05.01.2018

Delivered on : 10.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P. (MD) No.15944 of 2017

G.Elumalai

... Petitioner

Vs.

1. T.J.Ravichandran

2. State Rep. by
The Inspector of Police,
District Crime Branch,
Trichy.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 439(2) of the Code of Criminal Procedure, to cancel the anticipatory bail in Cr.M.P.No.1445 of 2017, dated 15.06.2017, on the file of the Principal Sessions Court, Trichy.

For Petitioner : Mr.C.Vakeeswaran

For R1 : Mr.M.Karunanithi

For R2 : Mr.K.S.Duaripandian
Additional Public Prosecutor

ORDER

The petitioner herein is the de-facto complainant in Crime No.3 of 2017 on the file of the District Crime Branch, Trichy. He lodged a complaint against the first respondent herein and some others for the offences punishable under Sections 420, 423, 465, 468, 471 and 120(b) I.P.C. After registration of the case, the first respondent, who is the accused in the abovesaid crime number, filed an application for anticipatory bail before the Principal Sessions Court, Tiruchirappalli, in which, he added the Inspector of Police, Woraiyur Police Station as a respondent.

2.After hearing the arguments on either side, the learned Principal Sessions Judge, Tiruchirappalli, granted anticipatory bail in favour of the first respondent, then only, the first respondent herein knows the case mentioned in the anticipatory bail application was registered only by the District Crime Branch,



Tiruchirappalli. Immediately, he filed an another application for amendment before the same Court. The said application was also allowed and as per the order, the name of the respondent was changed as Inspector of Police, District Crime Branch instead of Woraiyur Police Station. Against which, now, the petitioner herein filed this petition under Section 439(2) Cr.P.C., in which, he seeks the relief of cancelling the anticipatory bail order passed in Cr.M.P.No.1445 of 2017, dated 15.06.2017, on the file of the Principal Sessions Court, Tiruchirappalli.

3.Before approaching this Court, the petitioner has not chosen to file any application in the District Court itself for cancellation of anticipatory bail already granted in favour of the first respondent. That apart, for cancellation of anticipatory bail already granted, the Court, which decides the issue can take the following grounds:

'1.When the accused is found tampering with the evidence either during the investigation or during the trial.

2.When the person on bail commits similar offence or any heinous offence during the period of bail.

3.When the accused has absconded and trial of the case gets delayed on that account.

4.When the offence so committed by the accused had created serious law and order problem in the society and accused had become a hazard on the peaceful living of the people.

5.If the High Court finds that the lower Court granting bail has exercised its judicial power wrongly.

6.If the High Court of Sessions Court finds that the accused has misused the privilege of bail.

7.If the life of the accused itself be in danger.'

4.In this petition, which was filed by petitioner, he did not raise any of the grounds mentioned above. He mentioned only a ground that the earlier anticipatory bail application was filed after mentioning the wrong police station as respondent. Even, the petitioner has not chosen to file any application for intervening, in the petition filed by the first respondent. Hence, this Court came to the conclusion that this petition is filed without any valid ground for cancelling the anticipatory bail. Hence, there is no necessity for interfering with the orders passed by the learned Principal Sessions Judge, Tiruchirappalli, in Cr.M.P.No.1445 of 2017, dated 15.06.2017.



In view of the above of the discussion, this Criminal Original Petition is dismissed.

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Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Trichy.
2. The Inspector of Police,
District Crime Branch,
Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Karunanithi, Advocate Sr.No.41906

SMN2

VB/KKR/SAR2/23/01/2018/3P/5C

Cr1.O.P. (MD) No.15944 of 2017
10.01.2018