



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.13198 of 2018

WEB COPY

Vignesh

...Petitioner/Defacto Complainant

Vs.

1. The State represented by
The Sub Inspector of Police
District Crime Branch
Tirunelveli

...1st respondent/Respondent

2. Mariappan

...2nd Respondent/ Petitioner

PRAYER: Criminal Original Petition is filed under Section 439(2) of the Code of Criminal Procedure, to cancel the anticipatory bail granted to the second respondent in Cr.M.P.No.4024 of 2018 by the learned I Additional Sessions Judge (Principal Sessions Court Incharge), Tirunelveli, dated 16.07.2018.

For Petitioner

: Mr.V.Sasi Kumar

For R1

: Mr.A.Robinson
Government Advocate
(Criminal side)

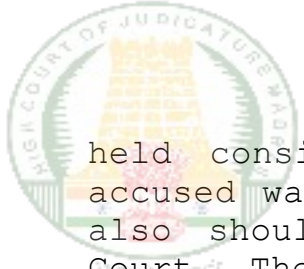
ORDER

This application is filed for cancellation of anticipatory bail granted in favour of the second respondent herein in Crl.M.P.No. 4024 of 2018 dated 16.07.2018 passed by the learned I Additional Sessions Judge (Principal Sessions Court Incharge), Tirunelveli.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent.

3.The second respondent herein namely, Mariappan is an accused in Crime No.9 of 2017 on the file of the Sub Inspector of Police, District Crime Branch, Tirunelveli for the offences punishable under Sections 420, 423, 465, 467, 468 and 471 of I.P.C. He had moved this Court by filing Crl.O.P(MD).No.10339 of 2017, dated 28.08.2017. His subsequent efforts to get anticipatory bail were also in vain.

<https://hcservices.ecourts.gov.in/hcservices/>, the second respondent herein had moved the learned Principal Sessions Judge, Tirunelveli by filing Cr.M.P.No.4024 of 2018 and obtained relief there. It has been



held consistently that if the anticipatory bail moved by the accused was dismissed by this Court then the subsequent endeavour also should be before this Court and not before the Sessions Court. The Sessions Court will not have jurisdiction to grant relief of anticipatory bail, if on an earlier occasion it has been dismissed by the High Court. Therefore, the grant of anticipatory bail in favour of the second respondent passed in Cr.M.P.No.4024 of 2018, dated 16.07.2018 is without jurisdiction and inherently illegal. Therefore, the order passed in Cr.M.P.No.4024 of 2018 stands set aside. Accordingly, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-III)

To

1. The Principal Sessions Judge,
Tirunelveli.
2. The Special Judicial Magistrate,
Land Grabbing Court, Tirunelveli.
3. The Sub Inspector of Police,
District Crime Branch
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Sasi Kumar, Advocate Sr.No.14816

MSA

VB/SKN/SAR3/21.08.2018/2P/6C

Cr1.O.P(MD)No.13198 of 2018
02.08.2018