

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3984 of 2019

Senthil Kumar

... Petitioner

/Vs/

1. State by Represented by
The Inspector of Police
R1 Mambalam Police Station
Mambalam, Chennai
(Cr.No.383/2018)

2. V.Ramakrishnan

... Respondents

PRAYER:

Criminal Original Petition filed under sections 439 (2) r/w 482 of the Criminal Procedure Code, to cancel the anticipatory bail granted by this Court to the 2nd respondent in Crl.O.P.No.10886 of 2018 vide order dated 24.07.2018.

For Petitioner : Mr.M.Palanivel

For R-1 : Mr.K.Prabakar
Additional Public Prosecutor

For R-2 : Mr.Lakshmanasamy

सत्यमेव जयते
O R D E R

This petition has been filed seeking to cancel the anticipatory bail granted by this Court to the 2nd respondent/accused in Crl.O.P.No.10886 of 2018 vide order dated 24.07.2018.

2. The only ground that has been raised by the petitioner / de-facto complainant is that this Court had directed the 2nd respondent/accused to appear before the 1st respondent for a period of three days and that he did not appear before the 1st respondent for a period of three days.

3. The learned counsel appearing for the petitioner/de-facto complainant would submit that this Court by order dated 24.07.2018 directed that the 2nd respondent/accused shall report before the 1st respondent police daily at 10.30 a.m., for a period of three days and that he did not appear before the 1st respondent police on three days.

4. The learned Additional Public Prosecutor would submit that the 2nd respondent/accused appeared only for a period of 2 days and did not appear on the 3rd day.

5. The learned counsel appearing for the 2nd respondent/accused would deny the allegation made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. He would further submit that the 2nd respondent/accused appeared before the Inspector of Police, R-1, Mambalam Police Station for all the three days along with his Advocate. He would also submit that on 30.09.2018 when the 2nd respondent/accused had gone to comply with the order of this Court, the petitioner herein and his friend Viz., Chandramohan had come to the Police Station and quarrelled with him and both of them demanded to settle the amount to them and that the police officers recorded the statement and also took photographs of the 2nd respondent/accused. He would further submit that on 30.09.2018 at about 1.30 p.m., the 2nd respondent/accused contacted the counsel through mobile stating that he was not even allowed to drink water and that he was ill-treated and he got chest pain and immediately the counsel for the 2nd respondent/accused and his colleague Viz., S. Sivakumar rushed to the Police station and they visited the 2nd respondent/accused with the permission of the Police Officer attached to the 1st respondent police and thereafter, after persuasion the 2nd respondent/accused was brought out of the Police Station.

6. Mr. Lakshmanasamy, learned counsel for the 2nd respondent/accused has also filed a sworn affidavit to that effect that the 2nd respondent/accused was present before the Police Station for all the three days.

7. Heard both sides.

8. I have carefully and consciously gone through the affidavit, I am satisfied with the affidavit. I have found no grounds to interfere with the anticipatory bail granted by this Court.

9. In view of the above, the Criminal Original Petition stands dismissed. The 1st respondent police is directed to complete the investigation and file the final report at the earliest.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

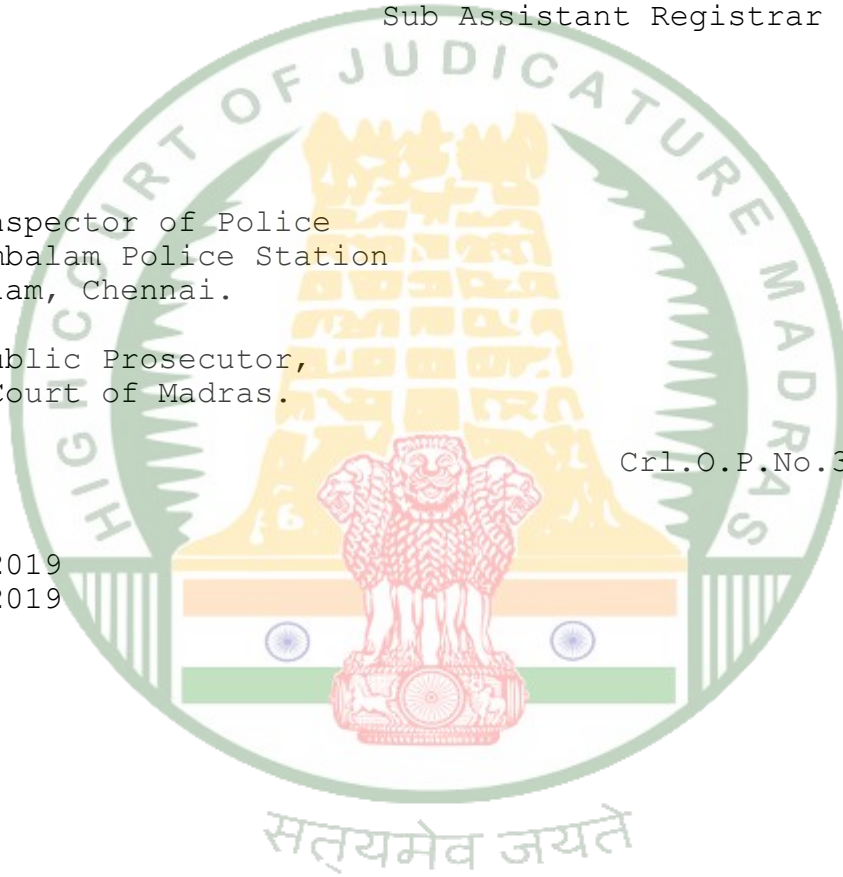
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To

1. The Inspector of Police
R1 Mambalam Police Station
Mambalam, Chennai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.3984 of 2019

VBA(CO)
CS/21/05/2019
CS/12/06/2019



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