

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9023 of 2019

Gangatharan

... Petitioner/Defacto Complainant

Vs.

1.Sathish Sivakumar1st Respondent/Petitioner

2.The State rep by
The Inspector of Police,
Arcot Town Police Station,
Vellore District.
(Crime No.202 of 2019)

.... 2nd Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 439(2) of Cr.P.C., to cancel the Anticipatory Bail granted to the 1st respondent dated 21.03.2019 in CrI.M.P.1314 of 2019 on the file of Principal District Court, Vellore.

For Petitioner : Mr.T.P.Prabakaran

For R1 : No appearance

For R2 : Mrs.M.Prabhavathi

Additional Public Prosecutor

O R D E R

This petition has been filed for cancellation of anticipatory bail granted to the first respondent on the ground that the first respondent suppressed the fact that he also filed anticipatory bail before this Court and obtained anticipatory bail before Principal Sessions Judge, Vellore, Vellore District in Cr.M.P.No.1314 of 2019.

2. The learned counsel for the Petitioner/Defacto complainant submits that the 1st respondent is a Non-Resident Indian (NRI) and he is likely to leave India at any time. He further submits that to secure the ends of justice, it is necessary to cancel the anticipatory bail granted in CrI.M.P.No.1314 of 2019 dated 21.03.2019.

3. The learned Additional Public prosecutor submitted that the first respondent/accused may escape from the clutches of law and there are chances of tampering and hampering the investigation and there are chances of the first respondent/accused violating the conditions imposed by the court below.

4. The learned counsel for the 1st respondent as well as the learned Additional Public Prosecutor submits that the 1st respondent/accused has not violated any condition imposed by the court below. The learned counsel for the 1st respondent also relied upon the Ruling of the Supreme Court reported in CDJ 2014 SC 1023 [Abdul Basit @ Raju & Others Versus Md.Abdul Kadir Chaudhary and Another]. It is also seen that the first respondent who filed a petition before this Court for anticipatory bail was withdrawn by him.

5. Considering the facts and circumstances of the case and that the 1st respondent/accused has not violated any condition imposed by the court below, no ground is made by the Petitioner/Defacto complainant for cancelling the same. Accordingly, this Court finds no merit in this petition and the petition is liable to be dismissed. However, the first respondent is directed to appear before the second respondent police, daily at 10.30 a.m., for a further period of two weeks from the date of receipt of a copy of this order and thereafter, as and when required for interrogation. The second respondent-Police, is directed to complete the investigation and file a final report within a period of eight weeks from the date of receipt of a copy of this order, in accordance with law.

6. This Criminal Original Petition is dismissed on the above terms.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Arcot Town Police Station,
Vellore District.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.9023 of 2019

ca[co]
srg 15/07/2019



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