

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.04.2019
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.11592 of 2019

S.Annamalai

... Petitioner

Vs.

1.M.Veerashanmugamoni

2.State rep. by Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.

3.State rep by Inspector of Police,
Idol Wing, Chennai.
(Crime No.727 of 2017)

... Respondents

COMMON PRAYER: Criminal Original petition has been filed under Sections 439 (1) of the Code of Criminal Procedure, to cancel the bail granted to the 1st respondent in Crl.O.P.No.8349 of 2019, dated 28.03.2019.

For Petitioner : M/s.Selvaraj for M/s.Elephant G.Rajendran
For Respondent : Mr.V.Karthic (Senior Counsel)
for M/s.K.V.Lawfirm for R1
Ms.M.Prabhavathi
Additional Public Prosecutor
for R2 and R3

O R D E R

This Criminal Original petition has been filed seeking for cancellation of bail granted in favour of the first respondent by this Court by an order dated 28.03.2019.

2. The main ground that has been raised before this Court by the defacto complainant, who has filed this petition seeking for cancellation of bail is that the first respondent after obtaining an order of bail has further proceeded to file a petition before the State Human Rights Commission, Tamil Nadu, against the Investigating Officer and against the Special Officer, Idol Wing, seeking for certain reliefs against them including compensation.

3. Mr.Selvaraj, learned counsel appearing on behalf of the petitioner submitted that this action on the part of the first respondent in filing a petition before the State Human Rights Commission by making scandalous statements against the Investigating Officer, will amount to interfering with the investigation and the same is in violation of condition 12(c) imposed by this Court.

4. The ground raised by the defacto complainant in this petition seeking for cancellation of bail does not stand the test of law, in the considered view of this Court. If the accused person feels that his Human Rights has been violated, he is always entitled to workout his remedy in accordance with law and the same cannot be held to be an interference in the investigation of the case. It is certainly not a violation of clause 12(c) of the condition imposed by this Court or this cannot be considered to be a supervening circumstance for the cancellation of bail.

5. The petition has been filed before the State Human Rights Commission as against the Special Officer, Idol Wing and Inspector of Police, Idol Wing. If these Officers are aggrieved by the said action, it is always open to them to challenge the proceedings initiated against them before the State Human Rights Commission of Tamil Nadu. The defacto complainant cannot be allowed to ventilate the grievances of the Special Officer and the Inspector of Police by filing a petition before this Court, seeking for cancellation of bail.

6. In view of the above, this Court does not find any ground to cancel the bail granted in favour of the first respondent.

7. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ub

To

1.The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.

2.The Inspector of Police,
Idol Wing, Chennai.

3.The Public Prosecutor,
Madras High Court.

+2ccs to M/s.Elephant G.Rajendran, Advocate sr.41181

CrI.O.P.No.11592 of 2019

nr 09/07/2019



WEB COPY