

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.27394 of 2018

K.BUVANESWARI
REP BY ITS HER
GENERAL POWER ATTORNEY
K.GAJALAKSHMI

[PETITIONER / ACCUSED]

Vs

1 THE STATE REPRESENTED BY ITS [RESPONDENTS]
THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM DISTRICT.

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, FORGERED DOCUMENTS
WING, TEAM XXVII, VEPERY, CEHNNAI-7.

3 B.RAMADOSS PILLAI
4 R.MUTHUKUMARASAMY

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the anticipatory bail granted to the petitioners herein in Crl.OP.NO.12606 of 2018 Dated 28/04/2018 on the file of this Hon`ble court.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.GAJALAKSHMI P-IN-P Advocate for the petitioner and of M/S.S.THANKIRA GOVERNMENT ADVOCATE [CRL.SIDE] FOR R1 & R2 AND MR.S.SHUNMUGA VELAYUTHAM SENIOR COUNSEL FOR R3 & R4 on behalf of the Respondents the court made the following order:-

This Criminal Original petition has been filed seeking to cancel the bail granted in favour of the respondents 3 and 4 by this Court by an order dated 28.04.2018 made in Crl.O.P.No.12606 of 2018.

2. The petitioner who is the defacto complainant appeared in person. She primarily projected three points for the purpose of canceling the bail granted in favour of respondents 3 and 4.

3. The 1st ground that was raised by the petitioner is that the petitioner is not permitted to file additional documents before the Court below and even the petition filed by her under Section 311 of C.R.P.C has been dismissed. The petitioner further submitted that she has filed a Criminal Revision before this Court, challenging the

rejection of her petition filed under Section 311 of C.R.P.C.

4. The 2nd ground raised by the petitioner is that this Court in its order had stated that there are civil disputes pending between the parties. According to the petitioner, the civil disputes have come to an end in the year 2015 itself and therefore, it was wrong on the part of the Court to have recorded in the year 2018, as if the civil disputes are pending.

5. The 3rd ground that has been raised by the petitioner is that the petitioner with very great difficulty has obtained an order fixing a time limit of three months for the completion of the proceedings before this Court. However, she has not been permitted to conduct the case in a peaceful manner, since she is not allowed to bring any additional documents and the Court below is insisting the petitioner to undergo cross examination without those additional documents.

6. All the grounds that have been raised by the petitioner cannot be taken into consideration while considering a petition, seeking for cancellation of bail.

7. It is a settled principle of law that cancellation of bail can be considered by a Court, only if there is an attempt made by the accused persons to tamper with the witnesses or to interfere with the investigation or threaten the witnesses etc., or there are supervening circumstances which would justify the cancellation of bail granted in favour of the accused persons. None of these grounds are present in the present petition filed by the petitioner.

8. The grievances expressed by the petitioner is something to be agitated independently and not by filing a petition, seeking for cancellation of bail.

9. Mr.S.Shunmuga Velayutham, learned Senior Counsel appearing for the respondents 3 and 4 submitted that the case is in the stage of trial and the petitioner somehow or other has not subjected herself to cross examination and is filing one petition after another and dragging on the proceedings.

10. This Court does not find any ground to cancel the bail granted in favour of the respondents 3 and 4. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

12/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM DISTRICT.

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
FORGERED DOCUMENTS WING,
TEAM XXVII, VEPERY, CEHNNAI-7.

+2CC to K.GAJALAKSHMI P-IN-P Advocate on payment of necessary
charges in SR.NO. 3185

CRL OP.27394/2018

Date :12/02/2019

MLT-13/02/2019