

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21479 of 2016

M.Kuppusamy
S/o.Muthusamy

... Petitioner

Vs.

1.Kannan
S/o.R.Lakshmana Chettiyar
2.State by
The Inspector of Police,
Town Police Station,
Erode, Crime No.1067 of 2015.

... Respondents

Prayer : Criminal Original Petition filed under Section 439(2) of Cr.P.C to cancel the anticipatory bail granted to the 1st respondent on 30.08.2016 in Crl.M.P.No.880 of 2016 by the District and Sessions Judge, Erode and consequently, direct the 2nd respondent to arrest the 1st respondent.

For Petitioner : Mr.K.Kannadasan
for Mr.V.Balamurugane
For Respondents : Mr.C.Iyyappa Raj
Additional Public Prosecutor
for R2

ORDER

The petitioner, who is the *de facto complainant* in Crime No.1067 of 2015, has filed this petition seeking cancellation of bail granted to the 1st respondent on 30.08.2016 in Crl.M.P.No.880 of 2016.

2. The 1st respondent, who is arrayed as single accused in Crime No.1067 of 2015 has filed anticipatory bail petition before the learned District and Sessions Judge, Erode in Crl.M.P.No.880 of 2016 and was granted on 30.08.2016.

3.The contention of the learned counsel for the petitioner is that since the 2nd respondent has not sent the necessary documents to the Forensic Department in time, for obtaining forensic report and that the accused was granted bail. Hence, the petitioner himself engaged a private agency to study the documents, obtained the forensic report and confirmed the forgery committed by the 1st respondent. Hence, he sought for cancellation of bail.

4. The learned Additional Public Prosecutor appearing for the 2nd respondent submitted that the petitioner/*de facto complainant* is the land lord and the 1st respondent/accused is the tenant. During the tenancy period, for the purpose of obtaining Commercial Tax license and Electricity Connection had created certain documents, which turned to be forged documents. He further submitted that in this case investigation has been completed, charge sheet filed and the same was taken on file in C.C.No.44 of 2017, which is pending before the Judicial Magistrate No.II, Erode for the offence under Sections 420, 464, 465, 468, 469 and 471 IPC.

5. In view of the above submission made by the learned Additional Public Prosecutor, nothing survives for adjudication in this petition. Hence, this Criminal Original Petition stands dismissed.

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Internet : Yes / No

Index : Yes / No

Speaking Order / Non-Speaking Order

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Page No.3/4

M.NIRMAL KUMAR, J.

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To

1.The District and Sessions Judge,
Erode.

2.The Public Prosecutor,
High Court, Madras.

3The Inspector of Police,
Town Police Station,
Erode.



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