

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.12624 of 2020

State Represented by
The Inspector of Police,
Meensuritty Police Station,
Ariyalur District.

... Petitioner

Vs

1.Kanalarsu,
S/o.Kaduvettu Guru @ Gurunathan,
2/115a, South Street,
Kaduvetti,
Pappakudi (North),
Ariyalur District.

2.Manoj Kiran,
S/o.T.Anbalagan,
50/62 Mudra Homes,
2 Srinivasan Perumal Samadhi, 1st Street,
Royapettai, Chennai – 600 014.

3.Mathan Mohan,
S/o.T.Anbalagan,
50/62, Mudra Homes,
2, Srinivasan Perumal Samadhi, 1st Street,
Royapettai, Chennai – 600 014.

... Respondents

PRAYER: Criminal Original Petitions filed under Section 439(1) of Cr.P.C, praying to cancel the Anticipatory Bail granted to the Respondent/Petitioners by the Hon'ble High Court of Madras/by this Court in Crl.O.P.No.9351 of 2020 dated 25.06.2020.

For Petitioner : Mr.S.Karthikeyan
Additional Public Prosecutor
For Respondents
For R1 to R3 : Mr.A.Ashvathaman

ORDER

This petition has been filed seeking to cancel the Anticipatory Bail granted in Crl.O.P.No.9351 of 2020 by order dated 25.06.2020 by this Court.

2.The learned Additional Public Prosecutor appearing for the petitioner submitted that on the complaint lodged by one Sathish kumar, a case was registered in Crime No.372 of 2020 for the offence under Sections 147, 148, 294(b), 324, 307 and 506(ii) of IPC on the file of the Meensuritty Police station as against the respondents. The respondents approached this Court for Anticipatory Bail in Crl.O.P.No.9351 of 2020 and this Court

considered the said submission and granted Anticipatory Bail to the respondents by an order dated 25.06.2020 and directed the respondents to execute sureties within a period of fifteen days from the date of receipt of a copy of that order and also directed the respondents to appear before the petitioner's Police Station daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation. After order passed by this Court, the respondents failed to execute any sureties as directed by this Court till today.

3. Further he submitted that the respondents also involved in six other cases as follows:

<i>S.No.</i>	<i>Crime Nos.</i>	<i>Registered for the offences under Sections</i>	<i>Police Stations</i>
1.	Crime No.439 of 2020	under Section 269, 270, 271 & 143, 188	Meensuritty police Station, Ariyalur
2.	Crime No.420 of 2020	under Sections 143, 269, 270, 271, 188 r/w 51 of DMA-2005, 3 of EDA 1897 and 134 TNPH Act 1939	Senthurai Police Station, Ariyalur
3.	Crime No.929 of 2020	under Sections 143, 188, 269, 270, 271 of IPC	Jeyankondam Police Station, Ariyalur district
4.	Crime No.936 of	under Sections 143,	Jeyankondam Police

<i>S.No.</i>	<i>Crime Nos.</i>	<i>Registered for the offences under Sections</i>	<i>Police Stations</i>
	2020	188, 269, 270, 271 of IPC	Station, Ariyalur district
5.	Crime No.462 of 2020	under Sections 143, 188, 269, 270, 271 of IPC	Meensurutty police station, Ariyalur district
6.	Crime No.211 of 2020	under Sections 143, 269, 270, 271 and 188 r/w 51 of Ipc DMA-2005 3 of EDA-1897 and 134 TNPA Act 1939	Kuvagam Police Station, Ariyalur District

Therefore, the prayer sought for canceling the Anticipatory bail granted to the respondents herein.

4.Per contra, the learned counsel appearing for the respondents would submit that this Court granted Anticipatory bail to the respondents by an order dated 25.06.2020. Unfortunately, the copy of the order was not uploaded in the website and as such the respondents could not be able to execute the sureties within a time fixed by this Court. Insofar as the case registered as against the respondents by the various police stations as submitted by the learned Additional Public Prosecutor, all are politically

motivated one and the respondents never involved in those cases. Further he submitted that the respondents also filed the petition for extension of time to execute the sureties before this Court in the August month itself. Unfortunately, the petition for extension neither numbered nor returned by the Registry to the respondents herein. Therefore, no fault committed by the respondents and the grounds raised by the petitioner cannot be taken into account for canceling the Anticipatory bail granted by the respondents herein.

5.Heard learned Additional Public Prosecutor appearing for the petitioner and learned counsel for the respondents 1 to 3.

6.It is seen that the respondents were granted Anticipatory bail by this Court by an order dated 25.06.2020 in Crl.O.P.No.9351 of 2020. While granting Anticipatory bail this Court imposed condition as follows:

"6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the

learned Judicial Magistrate, Jayamkondam, on condition that each of the petitioners shall execute a bond/separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which, one surety shall be a blood related surety, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner/s shall report before the Inspector of police, Sethiarthope Police Station, Cuddalore District, daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with

evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

*[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.*

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC"

Thereafter, the respondents failed to execute any sureties as directed by this Court before the learned Magistrate Court concerned. This petition has been filed on 30.07.2020 before this Court for cancellation of Anticipatory bail granted to the respondents herein. Even assuming that the copy of the order was not uploaded in the website of this Court within a time.

7.On perusal of the order passed by this Court annexed in the typed set of papers by the petitioner, it reveals that the order copy has been duly

uploaded in the website and the present petition has been filed as early as on 30.07.2020 itself. Therefore, the standard of the respondents are not reliable that apart the respondents are involved in six other cases as follows:

S.No.	Crime Nos.	Registered for the offences under Sections	Police Stations
1.	Crime No.439 of 2020	under Section 269, 270, 271 & 143, 188	Meensuritty police Station, Ariyalur
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Therefore, the respondents are habitual offenders and wantonly they failed to comply the conditions imposed by this Court while granting the Anticipatory bail to the respondents herein.

8. Considering the above facts and circumstances, the Anticipatory bail granted to the respondents are liable to be cancelled and accordingly this Criminal Original Petition is allowed. The petitioner is directed to secure the respondents and proceed in accordance with law.

29.09.2020

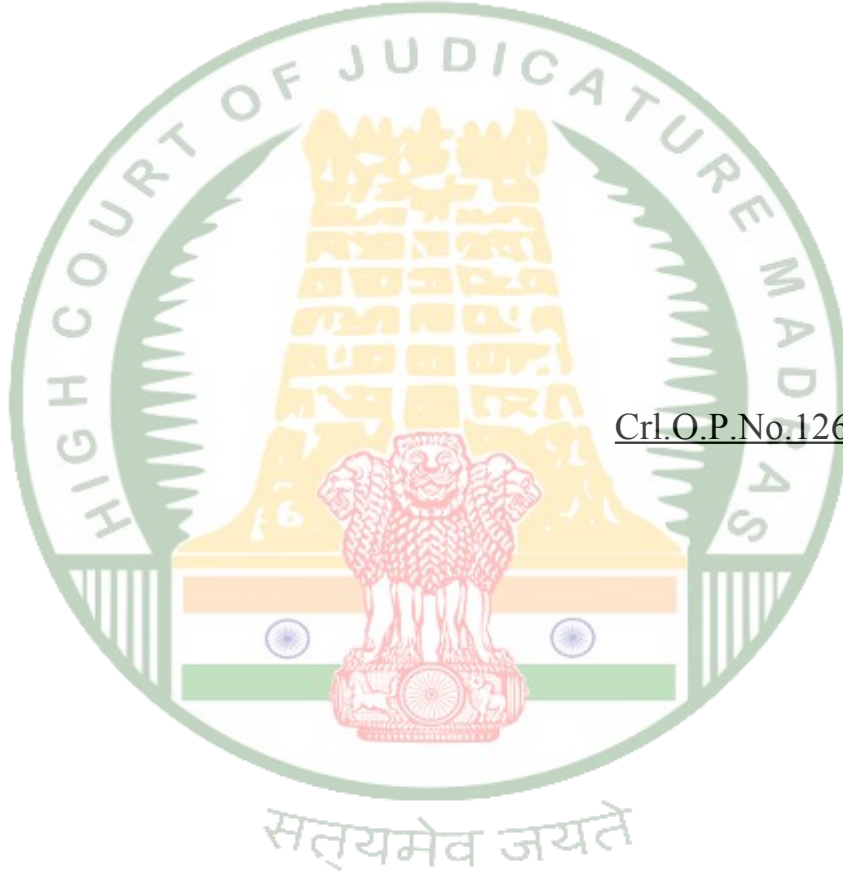
Internet: Yes
Index: Yes/No
vsn

To

1. The Inspector of Police,
Meensuritty Police Station,
Ariyalur District.
2. The Public Prosecutor,
High Court, Madras.

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G.K.ILANTHIRAIYAN. J.
vsn



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