

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.24991 of 2019

RAJENDRAN

[PETITIONER/DEFACTO COMPLAINANT]

Vs

1 RANGASAMY
2 GANAPATHY
3 RAJESHKUMAR

..RESPONDENTS 1 TO 3/PETITIONERS

4 THE INSPECTOR OF POLICE
KARAMADAI POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.381/2012.

..4TH RESPONDENT/2ND RESPONDENT

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the Anticipatory Bail granted in CrI.O.P.No.1507/2013 dated 22/01/2013 by this Hon'ble Court and pass such further or other orders as it may deem fit and proper in the circumstances of the case.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.B.SUNDARAPANDIYAN Advocate for the petitioner and of M/S K.T.S.SIVAKUMAR Advocate for Respondents (R1 to R3) and MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR for (R-4) on behalf of the Respondents the court made the following order:-

This petitioner has been filed by the defato complainant seeking to cancel the anticipatory bail granted to the petitioner in CrI.OP.No.1507 of 2013 dated 22.01.2013.

2. It is the case of the petitioner/defacto complainant that on a complaint given by him a case in Cr.No.381 of 2012 was registered against the respondent/accused for the offence under Section 294(b), 324, 354 and 506(ii) IPC r/w.4 of the Women Harassment Act.

Respondents 1 to 3 have approached this Court and this Court by an order dated 22.01.2013 in CrI.OP.No.1507 of 2013 had granted anticipatory bail to the respondents with certain conditions.

3. It is the further case of the petitioner/defacto complainant, subsequently, charge sheet was filed and the case was taken up for trial in CC.No.283 of 2015 on the file of the Judicial Magistrate, Mettupalayam and the case was posted for hearing on 15.04.2019. Whiles, on 14.04.2019 at about 5.00pm, the respondents 1 and 2 have come to the residence of the defacto complainant and threatened him that he should not give evidence against them in CC.No.283 of 2015 and also threatened the petitioner/defacto complainant with dire consequences. Immediately, the petitioner/defacto complainant had rushed to the police station and given a complaint against the respondents, based on the complaint given by the petitioner, the 4th respondent had registered CSR.No.56 of 2019 on 24.04.2019. Even thereafter, the respondents have threatened the defacto complainant and thereby the present case has been filed seeking to cancel the anticipatory bail for violation of conditions.

4. The respondents 1 to 3 have filed counter stating that due to previous enmity the petitioner had given a false complaint against them. The respondents have obtained anticipatory bail and the case now stands posted for trial. At this stage, a false complaint has been given against them only for the purpose of cancelling the anticipatory bail.

5. The learned counsel for the petitioner would submit that the respondents were granted anticipatory bail. Whiles, the respondents/accused 1 to 3 have threatened the petitioner/defacto complainant and thereby violated the conditions of anticipatory bail and thereby he would seek for cancellation of anticipatory bail.

6. The learned counsel for the respondents 1 to 3 would submit that subsequent complaint in respect of the alleged incident dated 14.04.2019 is concocted and it has been given only for the purpose of filing the petition for cancelling the anticipatory bail and no such incident as alleged by the petitioner took place. He would further submit that based on the complaint given by the petitioner enquiry was conducted in CSR.No.56 of 2019 and the respondents have appeared for enquiry and after enquiry the 4th respondent/police found out that the complaint is false and thereby the complaint of the petitioner has been closed as false. He would further submit that no such incident is happened and seeks to dismiss the petition with cost.

7. The learned Additional Public Prosecutor would submit that the complaint of the petitioner in respect of the incident on 14.04.2019 was taken up for enquiry in CSR.No.56 of 2019 and it was found that the complaint was false and thereby the complaint of the petitioner/defacto complaint was closed as mistake of fact.

8. Heard the counsels.

9. The case of the petitioner/defacto complainant is that while the respondents 1 to 3 were on bail they had threatened the defacto complainant on 14.04.2019. Based on the complaint given by the petitioner an enquiry had been conducted in CSR.No.56 of 2019 and the respondent/police finding that the complaint is false and closed the complaint as mistake of fact.

10. This Court is of the opinion that the subsequent case has been given by the petitioner/defacto complainant only with a view to harass the respondents and to see to that the anticipatory bail granted to the respondents is cancelled. In view of the same, the petition deserves to be dismissed.

11. Accordingly, the petition for cancellation of bail stands dismissed.

-sd/-

13/03/2020

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,
METTUPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KARAMADAI POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.B.SUNDARAPANDIYAN Advocate on payment of necessary charges Sr.5049

CC to M/S.C.M.ARUMUGAM Advocate on payment of necessary charges Sr.5079

CRL OP.24991/2019

Date :13/03/2020

RVR 19/05/2020