



WEB COPY

CRL.O.P.(MD). Nos.7167 and 7169 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated : 14/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL.O.P.(MD). Nos.7167 and 7169 of 2020

CRL.O.P. (MD) . No.7167 of 2020:

T.Balakrishnan @ Ambrose,
S/o.Thankaiyan,
Elluvilai,
Melmidalam,
Udhayamarthandam Post,
Kanyakumari District.

: Petitioner/Defacto Complainant

Vs.

1.P.Bens,
S/o.Ponnappan,
Elluvilai,
Melmidalam,
Udhayamarthandam Post,
Kanyakumari District.

: 1st Respondent/Petitioner

2.The State Rep. by,
The Sub-Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.210 of 2020).

: 2nd Respondent/Respondent

PRAYER :- Petition is filed under Section 439(2) of the Code of Criminal Procedure praying to cancel the anticipatory bail granted in Crl.M.P.No.1740 of 2020, dated 21.05.2020 passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil.

For Petitioner : Mr.M.R.Sreenivasan,
For Respondent No.1 : Mr.K.Vamanan
For Respondent No.2 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.side)



CRL.O.P. (MD). No.7169 of 2020:

T.Balakrishnan @ Ambrose,
S/o.Thankaiyan,
Elluvilai, Melmidalam,
Udhayamarthandam Post,
Kanyakumari District.

: Petitioner/Defacto Complainant

Vs.

1.T.Ponnappan,
S/o.Thankaiyan,
Elluvilai,
Melmidalam,
Udhayamarthandam Post,
Kanyakumari District.

2.P.Prince,
S/o.T.Ponnappan,
Elluvilai,
Melmidalam,
Udhayamarthandam Post,
Kanyakumari District.

3.D.Ajay,
S/o.Dharmaraj,
Kutti-paravilai,
Melmidalam,
Udhayamarthandam Post,
Kanyakumari District.

: Respondents 1 to 3/Petitioners

4.The State Rep. by,
The Sub-Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.206 of 2020).

: Respondent No.4/Respondent

PRAYER :- Petition is filed under Section 439(2) of the Code of Criminal Procedure praying to cancel the anticipatory bail granted in Crl.M.P.No.1733 of 2020, dated 21.05.2020 passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil.

For Petitioner : Mr.M.R.Sreenivasan,
Advocate.

For Respondents 1to3 : Mr.K.Vamanan

For Respondent No.4 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.side)



COMMON ORDER

The present petitions have been filed to cancel the anticipatory bail granted by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, vide order dated 21.05.2020 in Crl.M.P.Nos.1740 and 1733 of 2020, respectively.

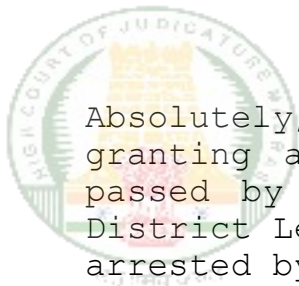
2. The allegation is that, there is a civil dispute between the petitioner and the accused, due to which, the accused said to have attacked the petitioner/*defacto* complainant on 06.05.2020. Based on the complaint given by the petitioner, a crime was registered by the respondent police in Crime No.206 of 2020 for the offences punishable under Sections 294(b), 324 and 506(ii) of the Indian Penal Code. Once again, alleging that the petitioner was attacked by the accused, another complaint was given on 11.05.2020 and the same was also registered in Crime No.210 of 2020 for the offences under Sections 294(b), 323, 506(i) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The accused in both the crimes moved the Sessions Court for granting anticipatory bail, wherein, the Court below has granted anticipatory bail to the accused with certain conditions. Now, to cancel the anticipatory bail, the present petitions have been filed.

3. Mr.M.R.Sreenivasan, learned counsel for the petitioner submitted that even after granting anticipatory bail, the accused have threatened the petitioner and also criminally intimidated him and thereby violating the orders passed by the Court below. The petitioner has also sent various representations to the District Legal Services Authority, but, so far, no action has been taken. Hence, the present petitions have been filed to cancel the anticipatory bail.

4. Mr.K.Vamanan, learned counsel for the accused in both the petitions submitted that after granting anticipatory bail, absolutely, there is no occurrence. It is only a civil dispute between the parties and only to harass the accused, criminal cases have been filed against them and after granting anticipatory bail by the Court below, the accused in both the crimes are strictly following the conditions imposed and there is no violation of the orders passed by the Court below. Hence, he prayed for dismissal of the present petitions.

5. I have also heard Mr.K.Suyambulinga Bharathi, learned Government Advocate (Criminal side) appearing for the respondent State and perused the materials available on record.

6. From the perusal of records, it is seen that for the two occurrences happened, namely on 06.05.2020 and 11.05.2020, two First Information Reports have been registered and for both the cases, the Court below has granted anticipatory bail with certain conditions.



Absolutely, there is nothing available on record to show that after granting anticipatory bail, the accused have violated the orders passed by the Court below. Even the representations sent to the District Legal Services Authority only show that the accused are not arrested by the respondent police.

WEB COPY 7. Considering the above facts and circumstances, I am of the view that there is no serious allegation of violation of the orders passed by the Court below and there is no allegation that the accused obtained the order of anticipatory bail by fraud and as such, there is no reason to cancel the anticipatory bail granted to the accused in both the crimes. Hence, the petitions stand dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Sessions Judge,
Kanyakumari District at Nagercoil.
2. The Sub-Inspector of Police,
Karungal Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Common Order made in
CRL.O.P. (MD) . Nos.7167 and 7169 of 2020
Dated : 14/09/2020

SCR(CO)
CS(23.09.2020) 4P 4C