



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.10.2020**

CORAM:

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

CrI.M.P(MD)Nos.3679 and 3681 of 2020

in

CrI.O.P(MD)Nos.3622 and 3711 of 2019

In CrI.M.P(MD)No.3679 of 2020

Alagarsamy ...Petitioner/defacto complainant

Vs.

1.Ashok ...1st respondent/Accused No.2

2.The Inspector of Police,
KK Nagar Police Station,
Trichy City,
Trichy District. ...2nd Respondent/Complainant

In CrI.M.P(MD)No.3681 of 2020

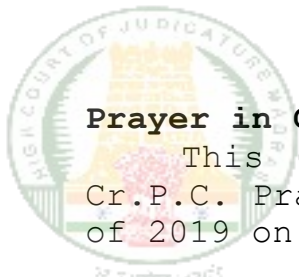
Alagarsamy ... Petitioner/Defacto Complainant

vs

1.Pattasraja@Govindaraj ...1st respondent/Accused No.1

2.The Inspector of Police,
KK Nagar Police Station,
Trichy City, Trichy District. ...2nd Respondent/Complainant

PRAYER: Criminal Miscellaneous Petitions filed under Section 482 Cr.P.C. praying to cancel the order of Anticipatory Bail in CrI.O.P (MD)No.3622 of 2019 and CrI.O.P(MD)No.3711 of 2019, dated 08.03.2019 and 11.03.2019 respectively.



Prayer in CRL OP(MD)Nos.3622 and 3711 of 2019:

This Criminal Original Petitions filed under Section 438 of Cr.P.C. Praying this Court to grant Anticipatory Bail in Crime No.81 of 2019 on the file of the respondent Police.

In both petitions:

For Petitioner: Mr.C.M.Arumugam

For R2 : Mr.K.R.Bharathi Kannan
Government Advocate (Crl.side)

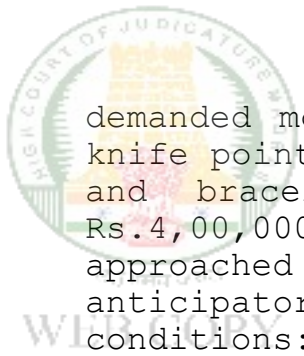
COMMON ORDER

These petitions have been filed by the defacto complainant to cancel the order of Anticipatory Bail granted to the petitioners in Crl.O.P(MD)No.3622 of 2019 and Crl.O.P(MD)No.3681, respectively dated 08.03.2019, 11.03.2020.

2.The learned counsel for the petitioner/defacto complainant submitted that on the complaint lodged by the petitioner, the second respondent registered the case in Crime No.81 of 2019 for the offence under Sections 342, 364(A), 392 and 506(ii) IPC. Pending investigation, A1 and A2 have approached this Court, seeking anticipatory bail and this Court, by order, dated 08.03.2019, 11.03.2020 respectively, granted anticipatory bail to A1 and A2, on condition that they shall report before the respondent police, as and when required. Accordingly, the second respondent has issued a summon to A1 to appear for investigation on 29.05.2019. On receipt of the same, A1 did not appear before the second respondent and as such, the investigation could not be completed in Crime No.81 of 2019. He further submitted that after committing the offence in Crime No.81 of 2019, A1 again indulged in similar action of offence and the case was registered in Crime No.501 of 2020, as against A1 and others for the offence under Sections 294(b), 384 and 506(i) IPC. Therefore, the petitioner sought for cancellation of anticipatory bail granted to A1 and A2.

3.The learned Government Advocate (Crl.side) appearing for the second respondent submitted that when the second respondent has issued a summon to A1 to appear for interrogation, to be held on 29.05.2019. On the receipt of the same, A1 has appeared before the second respondent for interrogation. After filing cancellation of anticipatory bail before this Court, A1 has appeared on 24/08/2020 before the investigation officer, for interrogation and now the investigation is pending.

4.The crux of the allegation is that on 11.02.2019, when the petitioner returned from his office in a Car, A1 and others intercepted him by two Cars and kidnapped him. Thereafter, A1



demanding money from the petitioner and he was also intimidated at knife point and ultimately A1 and others robbed his gold chain, ring and bracelet weighing about 18 sovereigns, cash a sum of Rs.4,00,000/- and a Car. Thereafter, pending investigation, A1 has approached this Court for anticipatory bail and this Court granted anticipatory bail to A1 by order dated 08.03.2019 for the following conditions:

''5.Considering the fact that the petitioner not accompanied with the accused persons and only based on the confession of the other accused persons, the petitioner was implicate in this crime, this Court is inclined to grant anticipatory bail to the petitioner. However, the benefit of this order will not applicable to the other accused persons, who are kidnapped the defacto complainant. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each 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 and on further conditions that the petitioner shall report before the respondent police as and when required for interrogation''.

5.Accordingly, the second respondent has issued a summon to A1 to appear before the second respondent on 29.05.2019 for interrogation. But A1 has failed to appear before the second respondent and as such, the petitioner has filed the present petition for cancellation of anticipatory bail. After filing this petition, A1 had appeared before the second respondent on 24/08/2020 as directed by this Court and now the investigation is under progress. So far as the another complaint is concerned in Crime No.501 of 2020 alleged by own brother of the petitioner herein.

6.The learned Government Advocate (Crl.side) appearing for the second respondent submitted that all the parties have compromised in another crime registered in District Crime Branch, Madurai. Though the issue is not connected to the present complaint, there are some compromise between the parties in respect of other complaint.

7.Considering the above facts and circumstances of the case, this Court is not inclined to cancel the anticipatory bail granted to A1, since A1 appeared before the second respondent for interrogation purpose, as directed by this Court.



8.Hence, these Criminal Original Petitions are devoid of merits and stand dismissed.

9.The first respondent/A1 is directed to appear before the second respondent from 19/10/2020 till 06/11/2020 for the purpose of investigation. Failing which, the anticipatory bail granted to first respondent/A1 herein, dated 08.03.2020 shall stands automatically cancelled. The second respondent is directed to complete the investigation and file a final report in Crime No.81 of 2019, within a period of twelve weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS III)

// True Copy //

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Sub Assistant Registrar(CS)

vsd

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

The Inspector of Police,
KK Nagar Police Station,
Trichy City,
Trichy District.

Copy to:

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.M.P(MD)Nos.3679 and 3681 of 2020
in
CrI.O.P(MD)Nos.3622 and 3711 of 2019
06.10.2020

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