

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. Nos.15133 & 15131 of 2016 & Crl.M.P. Nos.7495 & 7496 of 2016

Antony Clement Rubin ... Petitioner in both Crl.O.Ps.
vs.

1 State by the Inspector of Police
Kundrathur Police Station
Chennai

2 Gowtham Sudharshan

3 Ashish Paul ... Respondents in both Crl.O.Ps.

Crl.O.P. No.15133 of 2016:

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to direct the respondents 2 and 3 to bear the costs of medicine and maintenance and future maintenance of the victimised mongrel "Bhadra".
Crl.O.P. No.15131 of 2016:

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to cancel the bail order dated 06.07.2016 in the bail application CMP No.989 of 2016 passed by the Judicial Magistrate, Sriperumbudur in Cr. No.1052 of 2016 on the file of the Kundrathur Police Station.

For petitioner in
both petitions

:Ms. Josephine

For R1 in
both petitions Govt.
Advocate (Crl. Side)

:Mrs.P. Kritika Kamal

For RR 2 & 3 in
both petitions

:Mr. M. Baskar

ORDER

It is the case of the prosecution that the respondents 2 and 3 had inflicted serious cruelty on a baby mongrel, by throwing it from the third floor of a multi-storeyed building and enjoyed the deed; this became viral in the social media resulting in the police registering a case in T.3, Kundrathur P.S. Cr.No.1052 of 2016 against them and they were arrested and released on bail.

2 While so, the petitioner who is an animal activist, has filed Crl.O.P. No.15131 of 2016 for cancellation of bail granted to the respondents 2 and 3 and Crl.O.P. No.15133 of 2016 for a direction to respondents 2 and 3 to bear the cost of the treatment of the injured puppy.

3 Heard Ms. Josphine, learned counsel for the petitioner, Mrs.P.Kritika Kamal, learned Government Advocate appearing for the first respondent State and Mr. M. Baskar, learned counsel for respondents 2 and 3.

4 Mr. Baskar, in his usual candour, submitted that he would not justify the acts of cruelty committed by the respondents 2 and 3 and that they have sufficiently atoned for their act.

5 Mrs. Kritika Kamal submitted that the investigation in Cr.No.1052 of 2016 has been completed and the police have filed a charge sheet in C.C.No.120 of 2017 in the Court of the Judicial Magistrate No.I, Sriperumbudur, for the offences under Sections 428 and 429 IPC read with 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960, against respondents 2 and 3, in which, three witnesses have been examined and trial is midway. She further stated that respondents 2 and 3 are regularly appearing before the trial Court.

6 In such perspective of the matter, this is not a fit case to cancel the bail that was granted to the respondents 2 and 3 at this distant point of time. However, the respondents 2 and 3 are directed to donate jointly a sum of Rs.25,000/- to the Blue Cross of India within a period of four weeks from the date of receipt of a copy of this order and file a memo in this Court evidencing such donation.

With the above direction, these criminal original petitions stand disposed of. Connected CrI.M.P. stand closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

cad

To:

- 1 The Inspector of Police,
Kundrathur Police Station,
Chennai.
- 2 The Judicial Magistrate,
Sriperumbudur.
- 3 The Blue Cross of India,
72, Velachery Road,
Guindy,
Chennai 600 032.
- 4 The Public Prosecutor,
Madras High Court,
Chennai 600 104.

+1cc to M/s.S.V.Pravin Rathinam, Advocate Sr.3726

सत्यमेव जयते

CrI.O.P. Nos.15133 & 15131 of 2016

kv[col]
srg 22/02/2021

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