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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.11750 OF 2021

Ravichandran

... Petitioner

.Vs.

1. Jakkammal

2. The Inspector of Police,
Mannargudi Town Police Station,
Taluk Office Road,
Near Mannargudi Bus Stop,
Mannargudi, Tamil Nadu - 614 001.
Cr.No.322 of 2021

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 439(2) of the Code of Criminal Procedure, to cancel the bail granted to the 1st respondent vide order dated 15.03.2021 in Crl.O.P.No.5062 of 2021 by this Court.

For Petitioner : Mr.N.Thamizhanban

For Respondent No.1 : Mr.C.E.Pratap
Government Advocate
(Crl.Side)

O R D E R

This petition has been filed to cancel the anticipatory bail granted to the 1st respondent vide order dated 15.03.2021 in Crl.O.P.No.5062 of 2021, by this Court.

2. The case of the petitioner is that he is the father of the deceased. A1 and the deceased got married on 10.02.2019 and thereafter, the deceased was threatened by her in-laws in all possible ways under the guise of dowry and due to which on 23.02.2021, at about 05.00 p.m, the petitioner's daughter was



hanged to death by leaving a death note. Therefore, the petitioner herein lodged a FIR in Cr.No.322 of 2021 under Section 174(3) of Cr.P.C and altered to Section 306 IPC. It is the further case of the petitioner that the 1st respondent / 2nd accused is the main accused in this matter and all her tortures and harassments are very clearly stated in the death note of the deceased. While being so, A1, who was the husband of the deceased was granted bail in CrI.M.P.No.400 of 2021. Since the co-accused was granted bail, A2 was also granted anticipatory bail vide order dated 15.03.2021 in CrI.O.P.No.5062 of 2021 by this Court. Aggrieved by the same, the present petition is filed to cancel the anticipatory bail granted to the 1st respondent.

3. The learned counsel appearing for the petitioner submitted that the accused person is politically influenced person. As a result of which, there are high chances for tampering the witnesses and hampering the evidences and the accused persons would go any extent to cause harm to the life of the petitioner, if he does not withdraw the case and hence prays for allowing of the present petition by cancelling the bail ordered to the 1st respondent.

4. Considering the facts and circumstances of the case, this Court is of the view that once the Courts had granted anticipatory bail on independent appreciation of materials, the same cannot be interfered with, except in supervening circumstances and the Hon'ble Supreme Court in the decision reported in 1995 (1) SCC 349 (Daulat Ram Vs. State of Haryana) has elaborately dealt with the said issue and it is relevant to extract the following:

'4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances



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have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.''

5. In view of the decision rendered by the Hon'ble Supreme Court in the Daulat Ram (Supra), since no supervening circumstances arises for consideration to cancel anticipatory bail to the petitioner, the grounds raised by the petitioner cannot be considered by this Court. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Mannargudi Town Police Station,
Taluk Office Road,
Near Mannargudi Bus Stop,
Mannargudi, Tamil Nadu - 614 001.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.11750 OF 2021

SSV(CO)
PBS/17/11/2021