



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Sixth day of July Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.12639 of 2021

D.SAMUEL JOSHUA

[PETITIONER/THIRD PARTY/DEFACTO COMPLAINT]

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE, (CRIME),
F-3, NUNGAMBAKKAM POLICE STATION,
VALLUVAR KOTTAM HIGH ROAD,
NUNGAMBAKKAM, CHENNAI-600 007

[RESPONDENTS]

2 NIKHIL KAUSIK

3 PRERAK NAIK

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the anticipatory bail granted by this honourable court to the 2nd and 3rd respondents in Crl.O.P.No.17996 of 2020 dated 02/03/2021 and pass such other suitable orders as deem fit and proper in the circumstances of the case and thus render justice.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.A.MATHEW BERCHMANS Advocate for the petitioner and of MR.L.BASKARAN, Govt.Advocate(Crl. Side)on behalf of the Respondent the court made the following order:-

(The case has been heard through video conference)

This petition has been filed seeking to cancel the anticipatory bail granted by the respondents 2 and 3 herein.

2. Earlier the respondents 2 and 3 filed a petition seeking anticipatory bail in Crl.O.P.No.17996 of 2020 for the alleged offence under Sections 420 and 506(i) of IPC in Crime No.545 of 2019 and this Court vide order dated 02.03.2021, granted anticipatory bail to the respondents 2 and 3.

3. The learned counsel counsel appearing for the petitioner would submit that the respondents 2 and 3 by suppressing the material facts approached this Court and obtained anticipatory bail.



4. The learned Government Advocate (Crl.Side) appearing for the State submitted that now after investigation the respondent police has closed the complaint stating that further investigation has been dropped on 11.03.2021 and a copy was also served on the petitioner/defacto complainant.

5. Considering the fact that now the complaint has been closed and further action is dropped, at this stage, application for cancellation of bail cannot be maintained and hence this petition is dismissed. However, it is always open to the petitioner to raise his objections for closing the complaint before the concerned learned Judicial Magistrate by filing a protest petition.

-sd/-

26/07/2021

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 XIV METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE, (CRIME),
F-3, NUNGAMBAKKAM POLICE STATION,
VALLUVAR KOTTAM HIGH ROAD,
NUNGAMBAKKAM, CHENNAI-600 007

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.A.MATHEW BERCHMANS Advocate on payment of necessary charges

CRL OP.12639/2021

Date :26/07/2021

RVR 28/07/2021