



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.7878 of 2021

IN CRL OP.11000 of 2021

K.SHANMUGHAPRIYA

[PETITIONER / DEFACTO COMPLAINANT]

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE,
W.20, ALL WOMEN POLICE STATION,
SAIDAPET,
CHENNAI 600015
(CRIME NO.1 OF 2021)

[RESPONDENT / COMPLAINANT]

2 S.ANANDARAJ @ ANAND SIDDHARTH

[RESPONDENT / ACCUSED]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Cancel the Anticipatory bail granted in favour of the Second Respondent by this Hon'ble Court in CRL.O.P.No.11000 of 2021 dated 29.06.2021 to secure the ends of justice.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S R. SANKARASUBBU, Advocate for the Petitioner and of MR.C.E.PRATAP, Govt. Advocate (Crl. Side) on behalf of the 1st Respondent the court made the following order:-

This petition has been filed by the petitioner seeking to cancel the anticipatory bail granted in favour of the second respondent by this Court in Crl.O.P.No.11000 of 2021 dated 29.06.2021.

2.The case of the petitioner/ defacto complainant is that she is a practicing Lawyer and the second respondent is A1. The petitioner and the second respondent is said to have developed friendship through



social media which later turned into love. It is alleged that the second respondent projected himself as social oriented person and believing his words, the petitioner continued her love with him. Thereafter, on one occasion they went to Nagpur, where, the second respondent is alleged to have induced the petitioner and had sexual relationship with her and thereafter refused to marry her. Hence, the petitioner lodged complaint as against the second respondent. Since the second respondent obtained anticipatory bail from this Court, the petitioner has filed this petition.

3.The learned counsel appearing for the petitioner submitted that the second respondent claimed to be a social activist and developed love affair with the petitioner through social media. Thereafter, he made false promise that he will marry the petitioner and had sexual relationship with her for multiple times and thereafter refused to marry her which is a heinous offence.

4.The learned counsel appearing for the petitioner further submitted that on earlier occasion, the second respondent approached this Court seeking anticipatory bail and considering the gravity of the offence and the seriousness of the allegations made against the second respondent, this Court dismissed the said petition, however, has granted anticipatory bail in the second petition seeking anticipatory bail though there is no change in circumstances.

5.The learned counsel appearing for the petitioner further submitted that videos and photographs were taken while they had love affair, however, they were not produced before the law enforcing agency and the non seizure of the same caused grave prejudice to the petitioner. Hence, custodial interrogation of the second respondent is necessary for recovery of the videos and photographs.

6.The learned counsel appearing for the second respondent submitted that the second respondent is complying with the conditions imposed on him by this Court while granting anticipatory bail. He further submitted that as per the decision of the Hon'ble Apex Court reported in (1995) 1 SCC 349 (Dolat Ram Vs. State of Haryana), very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances 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.

7.The learned Government Advocate (Crl. Side) confirm the submission made by the learned counsel appearing for the second respondent that the second respondent is complying with the conditions imposed on him by this Court while granting anticipatory bail.



8.It is alleged that the second respondent had relationship with the petitioner in Nagpur, however, there is no proof for the same except the allegation made in the complaint.

9.The earlier petition filed by the second respondent seeking anticipatory bail was dismissed on the ground that serious allegations are made against the second respondent for which custodial interrogation may be required. However, this Court granted anticipatory bail to the second respondent in the second petition seeking anticipatory bail on the ground that A2 to A7 have already been granted anticipatory bail; the statement of the victim under Section 164 of Cr.P.C. has also been recorded; substantial investigation is over and custodial interrogation of the second respondent will not be required.

10.As per the decision of the Hon'ble Apex Court reported in (1995) 1 SCC 349 (Dolat Ram Vs. State of Haryana), bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances 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.

11.In the present case, the petitioner is three years old than the second respondent, however, they had love affair. Though it is alleged that the second respondent refused to marry the petitioner after having sexual relationship, there is no proof for their relationship. Further, A2 to A7 have already been granted anticipatory bail. Hence, there is no supervening circumstances available to cancel the anticipatory bail granted to the second respondent.

12.This miscellaneous petition is devoid of merits and the same is therefore dismissed.

-sd/-

30/09/2021

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 THE METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET, CHENNAI.



2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
W.20, ALL WOMEN POLICE STATION,
SAIDAPET, CHENNAI 600015

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S R. SANKARASUBBU Advocate on payment of necessary
charges

Order

in
CRL MP.7878/2021

in
CRL OP.11000/2021

Date :30/09/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

JPA 12/10/2021