



2.The case of the petitioner/ defacto complainant is that A1 and A2 in this case owned petrol bunk and they borrowed money from A3. Thereafter, they were not able to repay the money and hence, they requested the defacto complainant to pay money to A3 and entrusted the petrol bunk to the defacto complainant, however, after money was paid to A3, A1 and A2 forcibly evicted the defacto complainant from the petrol bunk. Hence, the petitioner lodged complaint before the first respondent and since the first respondent did not file FIR, he filed petition under Section 156(3) of Cr.P.C. before the Judicial Magistrate Court at Thiruvarur and vide order dated 01.04.2021, the learned Judicial Magistrate directed the first respondent to register FIR and thereafter the case in Crime No.4 of 2021 came to be registered.

3.The learned counsel appearing for the petitioner submitted that the respondents 2 and 3/ A1 and A2 filed CrI.O.P.No.11622 of 2021 before this Court seeking anticipatory bail and vide order dated 07.07.2021, this Court granted anticipatory bail to the petitioners. He further submitted that at the instigation of A1 and A2, the petitioner parted a sum of Rs.75 Lakhs to A3, however, they did not repay the amount and also forcibly evicted the petitioner from the petrol bunk, however, suppressing all these facts, they obtained anticipatory bail from this Court. Accordingly, he prayed for cancellation of anticipatory bail granted to the respondents 2 and 3.

4.The issue inbetween the petitioner and the private respondents appears to be civil in nature. As per the decision of the Hon'ble Apex Court reported in (1995) 1 SCC 349 (Dolat Ram Vs. State of Haryana), 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. 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.

5.In the present case, no supervening circumstances have been established by the petitioner. Hence, this Court is not inclined to grant the relief sought for in this petition and this miscellaneous petition is dismissed.

6.At this juncture, the learned counsel appearing for the petitioner prayed this Court to issue direction to the law enforcing agency to complete the investigation in Crime No.4 of 2021, within a reasonable time frame.



7. Considering the request made by the learned counsel appearing for the petitioner, this Court directs the first respondent to complete the investigation in Crime No.4 of 2021, within a period of twelve weeks from the date of receipt of a copy of this order.

-sd/-

16/09/2021

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 JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUVARUR POLICE STATION (DISTRICT CRIME BRANCH),
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. V.T.NARENDIRAN Advocate on payment of necessary charges

Order

in

CRL MP.7926/2021

in

CRL OP.11622/2021

Date :16/09/2021

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

RW 05/10/2021