



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.13208 of 2021

Sagithabegam

.. Petitioner / Defacto Complaint

Vs.

1. The State Represented by  
The Inspector of Police  
Sunguvarchatram Police Station,  
Kancheepuram District.  
(Crime No.262 of 2021)

2. M.Paruk

3. M.Sirajudeen

4. P.Mohamed Ali

5. S.Rizwan Sharook

6. A.Khader Mohideen

7. F.Satham Hussain

.. Respondents / Petitioners

PRAYER: Criminal Original Petition filed under Section 439(2) of the Code of Criminal Procedure, to cancel the anticipatory bail granted to the respondents 2 to 7 in CrI.M.P.No.704 of 2021 on the file of Hon'ble District and Sessions Judge, District and Sessions Court No.II, Kancheepuram by its order dated 20.04.2021.

For Petitioner : Mr.J.Prakasam

For Respondent No.1 : Mr.C.E.Pratap  
Public Prosecutor

O R D E R

This petition has been filed to cancel the anticipatory bail granted to the respondents 2 to 7 in CrI.M.P.No.704 of 2021 on the file of Hon'ble District and Sessions Judge, District and Sessions Court No.II, Kancheepuram by its order dated 20.04.2021.



2. The respondent accused was implicated for the offences under Sections 147, 148, 294(b), 323 and 506(ii) IPC in Cr.N0.262 of 2021. The respondent accused apprehending arrest at the hands of the respondent police filed a petition seeking anticipatory bail in CrI.M.P.No.704 of 2021. This Court, vide order dated 20.04.2021, granted anticipatory bail to the petitioner on certain conditions. Aggrieved by the same, the present petition is file to cancel the anticipatory bail granted to the petitioner,

3. The learned counsel appearing for the petitioner submitted that suppressing the previous case which is pending against the petitioner, he got an order of anticipatory bail before the Trial Court and hence prays for allowing of the present petition.

4. Considering the facts and circumstances of the case, this Court is of the view that once the Sessions Court had granted anticipatory bail on independent appreciation of materials, the same cannot be interfered with by this Court, 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 have rendered it no longer



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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-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,  
Sunguvarchatram Police Station,  
Kancheepuram District.
2. The District and Sessions Judge Court No.II,  
Kancheepuram.
3. The Public Prosecutor,  
High Court, Madras.

Cr1.0.P.No.13208 of 2021

KSM(CO)  
SB(27/09/2021)