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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13653 of 2021

And

Crl.M.P.Nos.7485 and SR25929 of 2021

Akshayaa Benjamin

... Petitioner

Vs.

1. State of Tamil Nadu,
Inspector of Police,
W22 - All Women Police Station,
Mylapore,
Chennai - 600 004.

2. C.Godwin

3. J.SarojaBai

... Respondents

Prayer:

Petition filed under Section 439(2) r/w.482 of Cr.P.C., seeking to cancel the bail granted to the 2nd and 3rd respondents in Crl.M.P.No.11309 of 2021 on the file of the Court of Principal Sessions Judge, Chennai.

For Petitioner : Mr.K.S.Dinakaran
Senior Advocate
for M/s.N.S.Sivakumar

For Respondents : Mr.C.E.Pratap for R1
for P.P.
Mr.N.R.Elango for R2 and R3
Senior Advocate
for M/s.A.S.Aswin Prasanna

O R D E R

The petitioner has filed this petition seeking to cancel the bail granted to respondents 2 and 3 in Crl.M.P.No.11309 of 2021 by the learned Principal Sessions Judge, Chennai.

2.The petitioner is the defacto complainant. She lodged complaint as against her husband, father - in - law and mother -



in - law before the first respondent police and the same was registered as Crime No.7 of 2021 for the offence under Sections 498A, 406, 420 and 354 C of I.P.C. Hence, the private respondents along with their son filed Crl.M.P.No.11309 of 2021 before the learned Principal Sessions Judge, Chennai, seeking anticipatory bail and the petitioner filed intervening petition in Crl.M.P.No.11387 of 2021 and the learned Principal Sessions Judge, Chennai, granted anticipatory bail to the private respondents and dismissed the petition as against their son. Challenging the same, this petition has been filed.

3.The learned Senior Counsel appearing for the petitioner would submit 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, however, the learned Principal Sessions Judge, Chennai, has made some remarks in the order dated 26.07.2021 made in Crl.M.P.No.11309 of 2021 and the said remarks may influence the Investigating Officer and Court. Hence, it would suffice, if this Court expunge some of the remarks made by the learned Principal Sessions Judge in the aforesaid order.

4.The learned Senior Counsel appearing for the respondents 2 and 3 raise no serious objection for the request made by the learned Senior Counsel appearing for the petitioner.

5.In view of the consent view expressed by the learned counsel appearing for the private respondents, the following portions in paragraph no.5 of the order dated 26.07.2021 made in Crl.M.P.No.11309 of 2021 by the learned Principal Sessions Judge, Chennai, are hereby expunged:

"5.....
..... The
father and mother of the 1st petitioner
namely, the petitioners 2 and 3 are residing
at Madurai and attending the court work at
Madurai. The 1st petitioner is practicing at
Chennai High Court. So, there are lesser
chances for the petitioners 2 and 3 to make
a demand of dowry in
person.....
.....
.....
..... not involving
dowry....."



6. This criminal original petition is accordingly disposed of. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Chennai
2. The Inspector of Police,
W22 - All Women Police Station,
Mylapore,
Chennai - 600 004.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+3CCs to Mr.N.S.Sivakumar, Advocate, Sr.No.50599
+1CC to M/s.J.Maria Rose Shilpa, Advocate, Sr.No.53552
(18.10.2021)

CrI.O.P.No.13653 of 2021
And
CrI.M.P.Nos.7485 and
SR25929 of 2021

PCH (CO)
K.RK. (13.10.2021)