



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.8484 of 2021

IN CRL OP.11576/2021

D.KAMARAJ

[PETITIONER/DEFACTO COMPLAINANT]

Vs

STATE REP BY

[RESPONDENT/COMPLAINANT]

1 THE INSPECTOR OF POLICE,
M6- MANALI POLICE STATION,
MANALI CHENNAI.
(CRIME NO. 561 OF 2021)

2 S.SUGUNA DEVI

3 M.SUBRAMANIAN

[2nd -3rd RESPONDENTS /PETITIONERS]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to cancel the order of Anticipatory Bail given to the 2nd and 3rd respondents herein in Cr1.O.P.No. 11576 of 2021 vide order dated 13.07.2021 pending on the file of this Hon'ble court and pass such order or other orders as this Hon'ble court may deem it fit and proper under the circumstances of the above case and thus render 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. S.M.NANDHIE DEVHAN, Advocate for the Petitioner and of MR.A.GOPINATH Govt. Advocate (Crl. Side) on behalf of the 1st Respondent the court made the following order:-

This petition is filed under Sections 420, 427, 448, 465, 468, 471 & 506(i) of I.P.C. in Cr.No.561 of 2021 to cancel the order of anticipatory bail given to the 2nd and 3rd respondents herein in Cr1.O.P.No 11576 of 2021 vide order dated 13.07.2021 pending on the file of this Court.

2.The case of the prosecution is that on 08.02.2021, the 2nd and 3rd respondents along with some other persons trespassed into the defacto complainant's property and abused him with filthy language. Hence the case was lodged by the defacto-complainant against 2nd and 3rd respondents.



3.The learned counsel appearing for the petitioner/De-facto complainant submitted that the 2nd and 3rd respondents have moved an Anticipatory Bail petition before this Court vide Crl.O.P.No.11576 of 2021 and the same was allowed based on the undertaking affidavit filed by the 2nd and 3rd respondents, stating that they will not trespass into the petitioner's property and they will not disturb the petitioner. After obtaining the anticipatory bail from this Court, the 2nd and 3rd respondents and their son have trespassed into the petitioner's property and partitioned the property. Thereafter when the petitioner asked about their acts to 2nd and 3rd respondent, they threatened him with dire consequences. Therefore the petitioner lodged a case against the 2nd and 3rd respondent in C.S.R.NO.174/2021, which is pending for investigation. Since the condition imposed by this Court was not complied with by the 2nd and 3rd respondent, the petitioner prays for cancellation of anticipatory bail granted by this Court to the 2nd and 3rd respondent vide Crl.O.P.No.11576 of 2021 on 13.07.2021 .

4.The learned Additional Public Prosecutor submitted that though the compliant was filed by the petitioner, till date the investigation is pending and the FIR is also not registered against the offenders.

5. This Court is oblivious of the decision of the Hon'ble Supreme Court in the case of *Dolat Ram v. State of Haryana* (1995 (1) SCC 349), wherein it has been clearly held that bail, once granted, the same shall not be cancelled unless supervening circumstances are brought to the notice of the Court.

6. In the case on hand, it is evident from the record that the FIR was not registered against the accused persons and it appears that only CSR No.174 of 2021 was issued, the petitioner had hurriedly approached this Court for cancellation of bail which is not permissible under law. No supervening circumstance, as pointed out in *Dolat Ram's case (supra)* has been brought to the notice of this Court and in the above backdrop, the bail, having been granted to the respondents, cannot be cancelled mechanically without any reason and material.

7. Accordingly, the petition seeking cancellation of anticipatory bail is dismissed.

-sd/-

08/09/2021

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.



1 THE JUDICIAL MAGISTRATE,
TIRUVOTTRIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M6- MANALI POLICE STATION,
MANALI CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. S.M.NANDHIE DEVHAN Advocate on payment of
necessary charges

Order
in
CRL MP.8484/2021
in
CRL OP.11576/2021
Date :08/09/2021

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

CSK 23/09/2021