



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of July Two Thousand Twenty One
PRESENT

WEB COPY

The Hon'ble Mrs Justice V.BHAVANI SUBBAROYAN
CRIMINAL ORIGINAL PETITION No.17898 of 2019

DR.A.CHANDRAN

[PETITIONER /
DEFACTO COMPLAINANT]

Vs

1 REV.N.CHARLES SAMRAJ

[RESPONDENT / ACCUSED NO.1]

2 RT.REV.TIMOTHY RAVINDER

[RESPONDENT / ACCUSED NO.2]

3 THE STATE BY
INSPECTOR OF POLICE,
C.2, RACE COURSE ROAD,
COIMBATORE DISTRICT,
COIMBATORE.

[RESPONDENT / RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the Anticipatory Bail granted to the respondent herein in CrI.OP.No.12953/2019 on 15.05.2019 or to pass any other order this Hon'ble Court may deem fit and proper in the circumstances of this case.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.IMMANUEL A. Advocate for the Petitioner and of M/S. R.C.PAUL KANAGARAJ, Advocate on behalf of the Respondents 1 & 2 and of M/S. E.RAJTHILAK, Government Advocate on behalf of the 3rd Respondent the court made the following order:-

This Criminal Original Petition has been filed to cancel the anticipatory bail granted to the 1st and 2nd respondents herein in CrI.O.P.No.12953 of 2019 on 15.05.2019.

2. The case of the prosecution is that due to wordy quarrel between the respondents 1 and 2 and the defacto complainant, the defacto complainant alleged to have suffered palpitation and admitted in Hospital. Hence, the complaint was registered in Crime No.150 of 2019.



3.This Court, while considering the case of the respondents 1 and 2, who apprehended arrest at the hands of the 3rd respondent Police, for the alleged offences under Sections 75(1)(c) of Tamil Nadu City Police Act, 1888 and 323, 506(ii) IPC in Crime No.150 of 2019, granted anticipatory bail with following conditions:-

"The petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Coimbatore on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners should not involve in any such kind of activities further. If they involve in such kind of activities, the concerned Police authorities shall take action in accordance with law.

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

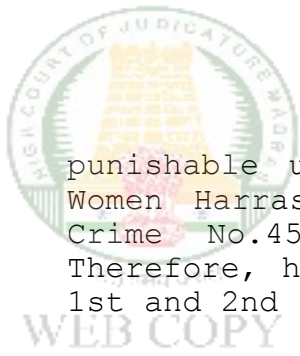
[c] the petitioners shall report before the respondent/Police thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]. [f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC."

4.The learned counsel for the petitioner/Defacto complainant would submit that though the 1st and 2nd respondents got the anticipatory bail order, the 1st respondent has been arrested in connection with another Crime no.479 of 2021 for the offences



punishable under Sections 448, 506 (ii) IPC and Section 4 of the Women Harrassment Act. Another case has also been implicated in Crime No.453 of 2021 as against the 1st respondent herein. Therefore, he sought for cancellation of bail already granted to the 1st and 2nd respondents in Crl.O.P.No.12953 of 2019 dated 15.05.2019.

5.The learned counsel for Government (Crl.Side) representing the 3rd respondent police would submit that the 1st respondent has been arrested and now he is in judicial custody and he also sought for cancellation of bail.

6.Though this Court granted anticipatory bail to the 1st and 2nd respondents, the 1st respondent was arrested in connection with the Crime No.479 of 2021 for the offences punishable under Sections 448, 506 (ii) IPC and Section 4 of the Women Harrassment Act. Further, the respondent has not changed his attitude and again and again involving in the offences similar in nature.

7.Therefore, this Court is of the view that no one is above law and the anticipatory bail granted to the 1st respondent alone in Crl.O.P.No.12953 of 2019 dated 15.05.2019 is hereby cancelled.

8.The 3rd respondent police is at liberty to proceed in accordance with law as against the 1st respondent herein.

9.Accordingly, this Criminal Original Petition is allowed in respect of 1st respondent alone.

-sd/-
28/07/2021

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,
NO.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C.2, RACE COURSE ROAD,
COIMBATORE DISTRICT,
COIMBATORE.

+1 CC to M/S.IMMANUEL A. Advocate on payment of necessary charges
SR.No.7936

CRL OP.17898/2019

Date :28/07/2021

cs 04/08/2021