



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

Monday, the Twenty Fifth day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.10767 of 2021

IN CRL OP.6075/2020

RAMYA

[PETITIONER / DEFACTO - COMPLAINANT]

Vs

1 STATE REP BY

[RESPONDENT / COMPLAINANT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION EAST,
COIMBATORE CITY.
CR.NO. 4/2020.

2 THENMOZHI

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the bail granted to the respondent/accused -4 in Crl.O.P.No. 6075/2020 dated 12/03/2020 by this court.

Order: This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. M.SARAVANAKUMAR, Advocate for the Petitioner and of MR. C.E.PRATAP, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner has filed this petition seeking to cancel the Bail granted to the 2nd Respondent in Crl.O.P.No.6075 of 2020 by this Court on 17.03.2020 in connection with Crime No.4 of 2020 dated 12.03.2020 on the file of the 1st respondent.

2. It is the case of the petitioner that the 2nd Respondent herein along with the other accused person harassed the De-facto Complainant by demanding more dowry and threatened her with dire consequences. Thereafter the 2nd respondent moved a bail application before this Court and bail was granted by this Court on certain conditions in Crl.O.P.No.6075 of 2020 on 17.03.2020.

3. The learned counsel for the petitioner submits that the bail was granted to 2nd Respondent by this Court in Crl.O.P.No.6075 of 2020 on 17.03.2020. Subsequent to that, the 2nd respondent threatened the



petitioner with dire consequences. He further submitted that the petitioner has also filed DVAC petition before the jurisdictional Special Court dealing with domestic violence. Thereafter once again the petitioner lodged a complaint against the 2nd respondent and other accused persons which resulted in registration of C.S.R.No.388 of 2021. In order to protect the life and liberty of the petitioner, the present petition is filed before this Court seeking cancellation of bail granted to the 2nd Respondent in CrI.O.P.No.6075 of 2020 on 17.03.2020. Accordingly he prays for the cancellation of Bail granted to the 2nd Respondent herein.

4. The learned Government Advocate Submits that the present petition is filed before this Court on the ground that the private respondents threatened the petitioner and the complaint was also lodged against the private respondents for which C.S.R.No. 388 of 2021 was assigned. It is submitted that no supervening circumstance having been pointed out by the petitioner, the grounds raised by the petitioner may not be sufficient to cancel the bail granted by this Court.

5. A perusal of the materials available on record reveals that the ground on which the petition for cancellation of bail has been filed is on the basis of the complaint resulting in assigning of C.S.R.No.388 of 2021. The main ground on which the petitioner seeks cancellation of bail is that the respondents/accused had threatened the petitioner resulting in the filing of the complaint. Though such an averment has been made, however, it is to be pointed out that no material whatsoever with regard to the same has been placed before this Court. It is to be pointed out that the mere fact that a subsequent complaint has been filed resulting in the assigning of CSR number by the law enforcing agency cannot be termed to be a supervening circumstance warranting a presumption that the private respondents/accused have committed an offence, in transgression of the conditions imposed while granting bail. In the absence of any pointed supervening circumstance cancellation of bail granted sought for cannot be acceded to.

6. Further the decision of the Hon'ble Supreme Court in the case of Daulat Ram-Vs-State of Haryana (1995 (1) SCC 349) comes to the aid of this Court, Wherein the Hon'ble Supreme Court has held that once supervening circumstances are brought to the notice of the Court, then the Court is clothed with power to revisit the bail granted to an accused. However, in the case on hand, except for the fact that another CSR has been filed against the respondent, who has been granted bail by this Court, no Daulat Ram's case. Further, it is to be pointed out that the CSR has been laid subsequently and the said CSR was not in existence. Such being the case, this Court is of the considered view bail is the norm and jail is exception squarely stands served and, therefore, the present petition to cancel the bail is devoid of merits.



7. Accordingly this petition seeking cancellation of bail granted to the private respondents is dismissed.

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-sd/-
25/10/2021

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 ADDITIONAL MAHILA COURT,
(MAGISTRATE LEVEL), COIMBATORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION EAST,
COIMBATORE CITY.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 C.C. to M/S. M.SARAVANAKUMAR Advocate on payment of necessary charges SR.NO.11832

Order

in
CRL MP.10767/2021

in
CRL OP.6075/2020

Date :25/10/2021

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INBA-17/11/2021