



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19573 of 2019

K.V.Girish

...Petitioner/Intervener

Vs.

1. The State: Represented by
The Inspector of Police
R-3 Ashok Nagar Police Station,
Chennai 600 083.

...Respondent/1st Respondent

2. R.Akilan

...Respondent/2nd Respondent

Prayer:

Petition filed under Section 439 (2) of Cr.P.C., seeking to set aside the order passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.11854 of 2019 dated 05.07.2019 by cancelling the anticipatory bail granted to the second respondent.

For Petitioner : Mr.N.Muthukrishnan

For Respondents: Mr.C.E.Pratap for R1
Govt.Advocate (Crl.Side)
Mr.G.Murugendran for R2

O R D E R

This petition has been filed seeking to set aside the order passed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.11854 of 2019 dated 05.07.2019 by cancelling the anticipatory bail granted to the second respondent.

2.The case of the petitioner is that the second respondent filed petition seeking anticipatory bail before the learned Principal Sessions Judge, Chennai in Crl.M.P.No.11854 of 2019 and the learned Principal Sessions Judge, Chennai, allowed the said petition on 05.07.2019. Aggrieved by the same, the petitioner has filed this petition.

3.The learned counsel appearing for the petitioner submitted that the second respondent in the said petition had accepted that he received a sum of Rs.1,55,000/- from the petitioner for the purpose of land advance, however, he has no form of



ownership on proposed property considered for the transaction and he also did not return the money received as advance. The learned Principal Sessions Judge, Chennai, without considering these aspects allowed the petition seeking anticipatory bail filed by the second respondent, which is un-sustainable one. Accordingly, he prayed for allowing the criminal original petition.

4.The learned Government Advocate appearing for the first respondent referred to the decision of the Hon'ble Apex Court reported in (1995) 1 SCC 349 (Dolat Ram Vs. State of Haryana), and submitted that 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. Accordingly he prayed for dismissal of the criminal original petition.

5.It is admitted fact that very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. The learned Principal Sessions Judge, Chennai, after careful consideration has allowed the petition seeking anticipatory bail filed by the second respondent. Hence, the grounds raised in this petition is mis-conceived.

6.This criminal original petition is accordingly dismissed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Chennai.

2. The Inspector of Police

R-3 Ashok Nagar Police Station, Chennai 600 083.

3. The Public Prosecutor, High Court of Madras, Chennai 600 104.

+1cc to Mr.N.Muthukrishnan, Advocate, S.R.No.43800 (02/09/2021)

Crl.O.P.No.19573 of 2019

SKY(CO)

RGA(25/08/2021)