



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19579 of 2019

Chandran Mylapore Eswaran

...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.11425 of 2019 dated 26.06.2019 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.11425 of 2019 dated 26.06.2019 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.11425 of 2019 and the learned Principal Sessions Judge, Chennai, allowed the said petition on 26.06.2019 by directing the second respondent to deposit a sum of Rs.2 Lakhs. Thereafter, the second respondent approached this Court for modification of the condition for deposit by filing Crl.O.P.No.18946 of 2019 and this Court on 17.07.2019 allowed the said petition. Hence, this petition.

3.The learned counsel appearing for the petitioner submitted



that the second respondent approached this Court by filing Crl.O.P.No.18946 of 2019 for modification of the condition for deposit without issuing any notice and without arraying the petitioner as respondent in the said petition, which is against the legal procedure. Accordingly, he prayed for allowing the criminal original petition.

4.The learned Government Advocate appearing for the first respondent submitted that the second respondent complied with the condition imposed on him scrupulously. He further 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 the learned Principal Sessions Judge, Chennai, has allowed the petition filed by the second respondent in Crl.M.P.No.11425 of 2019 seeking anticipatory bail on 26.06.2019. It is also admitted that thereafter, the second respondent has approached this Court for modification of the condition for deposit by filing Crl.O.P.No.18946 of 2019 and this Court on 17.07.2019 has allowed the said petition. Hence, the grounds raised in this petition is mis-conceived. 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.43796 (02/09/2021)

Crl.O.P.No.19579 of 2019

SKY(CO)
RGA(25/08/2021)