



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.20151 of 2021

E.Ranjith

...Petitioner

Versus

The State Rep by
The Inspector of Police,
J-12, Kanathur Police Station,
Kanathur, Chennai- 600 112.
Crime No.1109 of 2020

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order of cancellation bail passed in Crl.M.P.No.205 of 2021 dated 08.03.2021 by the learned Judicial Magistrate, Additional Mahila Court, Alandur, Chennai.

For Petitioner : Mr.S.Sudalaikani

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition is filed to set aside the order of cancellation bail passed in Crl.M.P.No.205 of 2021 dated 08.03.2021 by the learned Judicial Magistrate, Additional Mahila Court, Alandur, Chennai.

2.The petitioner is an accused in Crime No.1109 of 2020 for offences under Section 294(b), 323 of IPC r/w. Section 4 of the Tamil Nadu Prohibition of Women Harassment Act came to be registered and the petitioner was arrested on 17.12.2020 and later granted bail on 04.01.2021 in Crl.M.P.No.749 of 2020 and one of the condition was that the petitioner was directed to appear before the respondent police i.e. Kanathur Police Station at 10.30 a.m., for a period of 30 days without fail. Thereafter, he had failed to comply with the condition, hence the respondent police filed a petition to cancel the bail granted to the petitioner before the lower court and the lower Court by order dated 08.03.2021 in Crl.M.P.No.205 of 2021 cancelled the bail granted to the petitioner, against which the present petition.



3.The contention of the petitioner is that the petitioner is a Visual Communication student and for a project work he had arranged for a shooting of a serial, at that time he had engaged the defacto complainant, who is an artist. The defacto complainant had lodged a complaint that the petitioner had caused harassment to her on a wrong premise. The respondent police without conducting proper investigation had straight away arrested the petitioner. He further submits that after coming out on bail, the petitioner was suffering from infection of Hepatitis, due to which he was bed-ridden and unable to comply with the conditions. When the cancellation of bail was heard by the Lower Court, the petitioner had submitted the medical records for his non-compliance of the conditions. The Lower Court did not consider the medical certificate for technical reason that the fitness certificate given by the Medical Officer for the purpose of resuming for Government services is not proper. He further submit that he is ready to comply any condition that this Hon'ble Court may deem to impose. The petitioner is residing with his family in his native and he has got deep social roots, he will not be absent and he will co-operate with the case.

4.The learned Government Advocate submits that the petitioner was arrested in this case on 17.12.2020 and thereafter bail was granted on 04.01.2021 with a condition that the petitioner should appear before the respondent at 10.30 a.m. for a period of 30 days without fail. The petitioner had not appeared before the respondent police. Later investigation in this case has been completed and charge sheet has been filed on 24.02.2021 before the Judicial Magistrate Court, Alandur and the same is taken on file in C.C.No.131 of 2021. For his non-compliance, cancellation of bail petition was moved by the respondent police and the Lower Court had considered the submissions of the respondent police and passed the detailed order for canceling the bail.

5.Considering the submissions and on perusal of the materials, it is seen that the petitioner is facing trial for offences under Section 294(b), 323 of IPC r/w. Section 4 of the Tamil Nadu Prohibition of Women Harassment Act. He was earlier arrested and let out on bail and he had not complied with the condition to appear before the respondent police. Now investigation in this case is completed. In any event the petitioner has to obey the orders of the Court while granting bail. This Court directs the petitioner to appear before the respondent police for a period of 15 days starting from 10.11.2021 to 25.11.2021 and thereafter directs the petitioner to appear before the Additional Mahila Court, Alandur, for a period of two weeks. In view of the above, this Court finds



that the reason given by the petitioner is reasonable and inclined to set aside the order dated 08.03.2021 passed by the lower Court in CrI.M.P.No.205 of 2021.

6. Accordingly, this Criminal Original Petition stands allowed and the order of the lower Court dated 08.03.2021 in CrI.M.P.No.205 of 2021 is set aside.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

drm/ah

To

1. The Judicial Magistrate,
Additional Mahila Court,
Alandur, Chennai.
2. The Inspector of Police,
J-12, Kanathur Police Station,
Kanathur, Chennai- 600 112.
3. The Public Prosecutor,
High Court,
Madras.

+lcc to Mr. S. Sudalaikani, Advocate, S.R.No.57228

CrI.OP.No.20151 of 2021

RSV[co]
NSK 02/11/2021