



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.8188 of 2017

V.Radhakrishnan

...Petitioner

vs.

1. R.Naveen,
2. Saranraj,

...Respondents

3. State represented by
The Inspector of Police,
D-2, Chengalpet Taluk Police Station,
Chengalpet, Kancheepuram District
(Crime No.511 of 2016)

PRAYER: Criminal Original Petition is filed under Section 439(2) of Cr.P.C. to cancel the anticipatory bail granted to 1st and 2nd respondent in Crl.O.P.No.18136 of 2016 in Crime No.511 of 2016 on the file of the 3rd respondent, by an order dated 29.09.2016 passed by this Court.

For Petitioner : M/S.K.Balasubramaniam

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed under Section 439(2) of Cr.P.C. to cancel the anticipatory bail granted to 1st and 2nd respondent in Crl.O.P.No.18136 of 2016 in Crime No.511 of 2016 on the file of the 3rd respondent, by an order dated 29.09.2016 passed by this Court.

2. The case of the prosecution is that the first and second respondents are the sons of the petitioner and the both respondents along with their mother were living separately living for the past 22 years and there is no contact between them. The first and the second respondents had gone to the house of the defacto complainant/petitioner and attacked him and stolen an amount Rs.4,50,000/- and other valuable documents. The petitioner, who is



their father lodged a complaint before the law enforcing agency and immediately thereafter, the first and the second respondents filed a bail application in CrI.O.P.No.18136 of 2016 before this Court in Cr.No.Not Known of 2016 and this Court by its order dated 18.08.2016, issued direction to the law enforcing agency to complete the enquiry and either register a case or drop further action and file a status report before this Court on 17.10.2016 following the same, case was registered and it was informed to the Court by the learned Government Advocate for the State that case was registered against the respondents 1 and 2 on 21.09.2016 in Crime No.511 of 2016 for the alleged offence under Section 448, 323, 457, 380 and 506(ii) of IPC. It was further submitted that the injured person has been discharged from the hospital. Considering the same, this Court vide order dated 29.09.2016 granted anticipatory bail to the respondents 1 and 2 and aggrieved by the present cancellation of petition is filed by the petitioner.

3. The learned counsel appearing for the petitioner submits that earlier this Court in vide order dated 18.08.2016, directed the 1st and 2nd respondent to appear before the Investigation Officer, but without appearance of both the respondents, the learned Government Advocate had intentionally reported before this Court that after their appearance, the case was registered due to which, the respondents/accused were granted anticipatory bail by this Court. Hence, he prays that there is collusion between the law enforcing agency and the respondents 1 and 2 and therefore anticipatory bail granted in favour of 1st and 2nd respondent should be canceled.

4. Learned Government Advocate (CrI.Side) submits that the already the case was registered against the respondents 1 and 2 for the above said offence and thereafter, on considering the fact that the injured has been discharged from the hospital, this Court had granted anticipatory bail to the respondents 1 and 2 and there is no misrepresentation was made before this Court.

6. A perusal of the materials available on record reveals that the petitioner herein is the father of the respondents 1 and 2 and it appears to be family dispute between them and the petitioner has also already been discharged from the hospital and based on the above factual position, the respondents/accused were granted anticipatory bail by this Court. No supervening circumstance is pointed out by the petitioner for canceling the anticipatory bail for the respondent/accused. Further, no misrepresentation was made by the law enforcing agency at the time of grant of anticipatory bail.

7. All the above aspects have been appreciated in proper perspective by this court while granting anticipatory bail to respondents 1 and 2. In such a backdrop, the present petition seeking cancellation of bail is wholly misconceived and is a flawed attempt on the part of the petitioner to inject an element of criminality



into a purely family dispute between the parties and, therefore, the prayer as sought for by the petitioner cannot be acceded to.

8. For the reason aforesaid, the petition seeking to cancel the anticipatory bail granted to respondents 1 and 2 cannot be sustained and, accordingly, the same is dismissed.

-sd/-

01/11/2021

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,
CHENGALPATTU, KANCHEEPURAM DISTIRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-2, CHENGALPET TALUK POLICE STATION,
CHENGALPET, KANCHEEPUROM DISTRICT.

CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary charges

CRL OP.8188/2017

Date :01/11/2021

TA-10/12/2021