



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL MP (MD) No.2445 of 2021

in

CRL OP (MD) No.15773 of 2020

Ayisha ... Petitioner / Defacto Complainant

Vs

1.Nazeer Ahammed ... 1st Respondent / Sole Accused

2.State rep. by

The Inspector of Police,
All Women Police Station,
Tirunelveli Junction,
Tirunelveli District.
(Crime No.15/2020)

... 2nd Respondent / Respondent

For Petitioner : Mr.S.Vidhya Sagar

For Respondents : Mr.Siva Subramanian

for R.1

Mr.T.Senthilkumar,

Additional Public Prosecutor

for R.2

PETITION Under Sec.439(2) of Cr.P.C

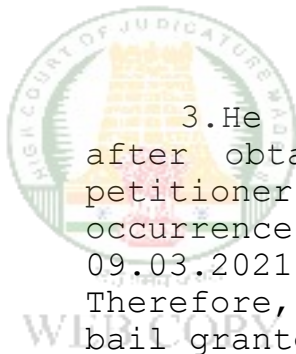
PRAYER :-

For Cancellation of Anticipatory Bail in Crime No.15 of 2020
on the file of the respondent Police.

ORDER : The Court made the following order :

This criminal miscellaneous petition is filed by the petitioner / defacto complainant to cancel the anticipatory bail granted to the first respondent / accused by this Court in Cr1.OP(MD)No.15773 of 2020.

2.Learned Counsel for the petitioner submitted that the first respondent / accused has moved an application for anticipatory bail before the Sessions Court, Tirunelveli, in Cr.M.P.No.6583 of 2020 and the learned Principal District and Sessions Judge, Tirunelveli, by order dated 03.12.2020, dismissed the said application. <https://hcs.courts.gov.in/hcs/serve/> same, the first respondent / accused has moved an application before this Court and obtained anticipatory bail.



3.He further submitted that the first respondent / accused, after obtaining anticipatory bail from this Court, came to the petitioner's house on 08.03.2021 and also intimidated him. For this occurrence, the petitioner has also sent a representation on 09.03.2021, to the Commissioner of Police, Tirunelveli City. Therefore, the learned Counsel prays for cancelling the anticipatory bail granted to the first respondent / accused.

4.Heard the learned Counsel appearing for the first respondent / accused and the learned Additional Public Prosecutor appearing for the second respondent / State.

5.This Court is of the opinion that the non-disclosure of the earlier dismissal order of the Sessions Court in the anticipatory bail application before this Court is not a material defect to cancel the anticipatory bail. That apart, for the alleged incident said to have taken place on 08.03.2021, the petitioner has sent a representation on the next day on 09.03.2021 to the Commissioner, Tirunelveli City. It appears that the petitioner has neither taken any steps to report the incident before the second respondent / police nor lodged a complaint before them in this regard.

6.In view of the above, this Court is not inclined to cancel the anticipatory bail granted to the first respondent and this application is accordingly, dismissed.

sd/-
29/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,



3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI JUNCTION,
TIRUNELVELI DISTRICT

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL MP (MD) No.2445 of 2021
IN
CRL OP (MD) No.15773 of 2020
Date :29/09/2021

SB/JC/SAR-IV/06.10.2021/3P/5C