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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM

THE HON'BLE Mrs. JUSTICE T.V.THAMILSELVI

Crl.M.P.No.2707 of 2022

in Crl.OP.No.21869 of 2021

Indhumathi

... Petitioner

-Vs.-

1. The State of Tamil Nadu

Rep by the Inspector of Police

W-4, Kilpauk All Women Police Station,
Chennai.

2. Elangovan

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 439(2) of Criminal Procedure Code, praying to cancel the bail granted to the second respondent/accused in Crl.O.P.No.21869 of 2021 dated 23.11.2021 in Crime No.8 of 2021 on the file of the Inspector of Police, W-4, Kilpauk All Women Police Station, Chennai.

For Petitioner : M/s. U,Anunitha

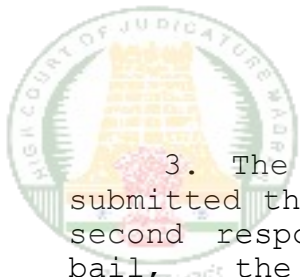
For R1 : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

For R2 : Mr.A.Sathishkumar

O R D E R

This Criminal Miscellaneous Petition has been filed seeking to cancel the bail granted to the 2nd respondent in Crl.O.P.No.21869 of 2021 dated 23.11.2021 by this Court, in Crime No.8 of 2021 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioner/defacto complainant is the wife and the victims are the daughters of the second respondent/accused had sexually assaulted his own daughters who is aged about 13 and 11 years. Further, the second respondent/accused used to come home in a drunken mood and used to beat the petitioner/defacto complainant and her two daughters. Hence, the complaint.



3. The learned counsel for the petitioner/defacto complainant submitted that the petitioner/defacto complainant was threatened by the second respondent. He further submitted that after coming out on bail, the second respondent/accused had approached the petitioner/defacto complainant through various means and compelling to withdraw the complaint against him. Further, on 08.01.2022, the second respondent/accused went to the petitioner's father house and threatened to withdraw the complaint against him and assaulted the father-in-law and abused in filthy language with dire consequences, if the bail is continued, there is every possibility for tampering the witnesses and abscond either during investigation or trial. Hence, he prays to allow this petition.

4. Heard the learned Government Advocate (Crl.Side) appearing for the first respondent.

5. The learned counsel for the second respondent/accused submitted that the second respondent has not made any threat to the petitioner/defacto complainant. He further submitted that the second respondent/accused has neither committed any such act of threatening nor tampered the witnesses. He further submitted that there was a previous enmity, a false complaint has been given. Hence, he prays to dismiss this petition.

6. Considering the fact, that the second respondent is a Grade-1 Constable, there is lot of possibilities that he would threaten the petitioner/defacto complainant, after obtaining bail, the second respondent has not complied with the order dated 23.11.2021 imposed by this Court, more particularly with regard to payment of interim maintenance to the children, if the bail is continued, there is every possibility for tampering the witnesses and may abscond either during investigation or trial

7. In view of the above, the bail granted by this Court by order dated 23.11.2021 in Crl.O.P.No.21869 of 2021 is hereby cancelled. Accordingly, this Criminal Miscellaneous Petition is allowed.

-sd/-

16/06/2022

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.



1 THE JUDGE SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT AT CHENNAI.

2 THE DEPUTY COMMISSIONER OF POLICE,
KILPAUK, CHENNAI.

3 THE INSPECTOR OF POLICE,
W-4 KILPAUK ALL WOMEN POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INDUMATHI
(THE DEFACTO COMPLAINANT)
THROUGH RESPONDENT POLICE,
(THE INSPECTOR OF POLICE,
W-4 KILPAUK ALL WOMEN POLICE STATION,
CHENNAI.

C.C. to U.ANUNITHA Advocate on payment of necessary charges
Sr.9275

Order

in
CRL MP.2707/2022
in Crl.OP.No.21869 of 2021

Date :16/06/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RVR 06/07/2022