



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL MISCELLANEOUS PETITION No.5800 of 2022

IN

CRL OP.8083/2022

RAVISHANKAR CHANDRASEKARAN

[PETITIONER/DE-FACTO COMPLAINANT]

Vs

1 P.SELVARAJAN

..1ST RESPONDENT/ACCUSED

2 STATE REP. BY
SUB INSPECTOR OF POLICE,
DCB POLICE STATION,
SALEM. (CR.NO. 03 OF 2022)

..2ND RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein the High Court will be pleased to cancel the Anticipatory Bail granted to the 1st Respondent / Accused in Crl.OP.No.8083 of 2022 by the order dated 07 the April 2022 by appreciating the above stated facts and circumstances and pass such orders as this Honble Court may deem fit and thus render justice.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. DEEPANUDAY, Advocate for the petitioner and of M/S KAVIYA REPRESENT COUNSEL FOR M/S R.JAYAPRAKASH(R-1) AND MR.S.SANTHOSH, Govt. Advocate (Crl.Side) (R-2)on behalf of the Respondents the court made the following order:-

This petition is filed to cancel the anticipatory bail granted to one Mr.P.Selvarajan/accused in Crime No.3 of 2022 on the file of Inspector of Police, District Crime Branch, Salem.

2. The Learned Counsel appearing for the defacto complainant sought for cancellation of bail and drew the attention of this Court in Crl.O.P.No.8083 of 2022 in paragraph No.6 of the anticipatory bail order, which reads as below:-



"6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with a caveat that if the statement made by the learned counsel for the petitioner that none of the PIL filed by the petitioner was withdrawn is found to be false, the anticipatory bail stand cancel without any further reference to this Court."

3. The Learned Counsel for the petitioner has enclosed three orders of this Court passed by Division Bench, in which, the said Mr.P.Selvarajan has filed PIL and later withdrawn under one pretext or another. In all three Writ Petitions were filed to remove the alleged encroachment. In W.P.No.3840 of 2015 was withdrawn on 16.02.2015, W.P.No.923 of 2017 was withdrawn on 11.01.2017, W.P.No.15738 of 2018 was withdrawn on 05.02.2019. The reasons for withdrawal may be different but ultimately it is a PIL filed and suddenly withdrawn by this petitioner clearly indicates that, the accused has been abusing the jurisdiction of PIL for ulterior motive. In fact, Division Bench of this Court vide dated 05.02.2019 in W.P.No.15738 of 2018 has made the following observation:-

"5. Having heard the learned counsel appearing for the parties and upon perusal of the entire materials before us, we are of the considered opinion that this type of case, is the least appropriate case in PIL jurisdiction. It is nothing but, sheer abuse of process of law under Article 226 of the Constitution of India. The very concept of relaxation of locus standi in the PIL jurisdiction, which was evolved by judicial activism is given a go-bye in the present case, by a private slugfest of the private rights of the property of the petitioner as against Respondent No.5."

4. It is also to be noted that, in all the three Writ Petitions which were filed by the accused P.Selvarajan, and later withdrawn, are in and around Salem area. The case in hand also relates to Salem area where a specific allegation is made against him that, he was demanding Rs.75 lakhs to withdraw the Writ Petitions filed by him.

5. Ms.Kaviya, Learned Counsel representing for the 1st respondent/P.Selvarajan is present and sought time to file counter. This Court has not only declined the request but also intended to initiate action by the Bar Council of India against the Counsel on record Mr.R.Jayaprakash, who has made false representation to this Court that Mr.P.Selvarajan/accused had not withdrawn any of his PIL.



6. With the above observation, the anticipatory bail granted to the petitioner in CrI.O.P.No.8083 of 2022 is cancelled. The respondent police is directed to take appropriate action. Hence, this Criminal Miscellaneous Petition is allowed.

-sd/-

28/04/2022

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.

**(*) CORRECTED COPY TO BE ISSUED FOR
THE ORDER ALREADY DESPATCHED ON 02/05/2022**

TO

1 THE JUDICIAL MAGISTRATE,
NO.VI, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM.



(*) COPY TO

1 THE SECRETARY,
THE BAR COUNCIL OF INDIA,
NEW DELHI.

2 THE SECRETARY,
THE BAR COUNCIL OF TAMIL NADU AND PUDUCHERRY,
HIGH COURT CAMPUS, MADRAS.

+2 C.C. to M/S. DEEPANUDAY Advocate on payment of necessary charges SR.6522

+4 C.C. to M/S. M.RAKHI Advocate on payment of necessary charges SR.6630 & 6631

Order

in
CRL MP.5800/2022

in
CRL OP.8083/2022

Date :28/04/2022

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

RVR 29/04/2022

RVR 04/05/2022