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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.13746 of 2022 and
Crl.M.P.No.7373 of 2022

1.D.Malar
2.Vijayakaran

... Petitioners/Accused Nos.2 & 4

Vs.

1.R.Thangavel

2.State rep by
The Inspector of Police,
Chennimalai Police Station.
Crime No.19 of 2019
Erode District.

... Respondents/Defacto Complainant & Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order dated 03.06.2022 made in Crl.M.P.No.50 of 2021 in Crl.M.P.No.313 of 2020 on the file of the learned Principal Sessions Judge, Erode, by allowing this Criminal Original Petition.

For Petitioners : Mr.N.Manoharan
For Respondent : Mr.Leonard Arul Joseph Selvam for R2
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed to set aside the order passed by the learned Principal Sessions Judge, Erode in Crl.M.P.No.50 of 2021 in Crl.M.P.No.313 of 2020 dated 03.06.2022.

2. The present petition has been filed seeking to set aside the order passed by the learned Principal Sessions Judge, Erode, by cancelling the anticipatory bail granted to the petitioners herein. The learned Principal Sessions Judge has taken such a view mainly on the ground of suppression of earlier bail application filed before this Court which came to be dismissed as withdrawn. The learned Principal Sessions Judge has pointed



out that in the application filed before the Sessions Court, it has not been averred about the earlier application which came to be dismissed as withdrawn before this Court and thereby, it was a clear case of suppression of facts.

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3. When an earlier application filed before the High Court culminated into dismissal order, suppressing the same and filing another application is highly deprecated. In fact it is like playing fraud on the Court. The counsel who appears for such accused is also party to it and such conduct is also misconduct. Therefore, this Court is not inclined to interfere with the order passed by the Sessions Court.

4. Further, now it is brought to the notice of this Court that the final report has already been filed only as against A1 who is not a petitioner before this Court and that these petitioners' names have been deleted from the final report from arraying as accused.

5. When such view of the matter, cancelling bail to these petitioners will not have any effect as their names itself have been deleted from the final report from array of accused.

6. In view of the above, no further order is required. Accordingly, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ksa-2/nr
To

1. The Principal Sessions Judge, Erode.
2. The Inspector of Police,
Chennimalai Police Station

3. The Public Prosecutor, High Court of Madras.
Crl.O.P.No.13746 of 2022 and
Crl.M.P.No.7373 of 2022

sr(CO)
A.SK(30/06/2022)