



WEB COPY



CrI.O.P.No.20146 of 2022

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Dr.G.JAYACHANDRAN.J.,

There is no representation for the petitioner. The learned counsel for the *de facto* complainant is present before this Court.

2. These petitioners herein are the accused in Crime No.44 of 2022 pending investigation on the file of the first respondent-police. When they approached this Court, apprehending arrest and sought for bail, this Court considered the facts of the case and granted Anticipatory Bail on conditions that they should cooperate with the investigation and report before the respondent-police daily until further orders. This said order was passed on 06.04.2022. One of the petitioners, Vimala Bai, approached this Court by way of an application for extension of time to comply with the order. The same was granted and the time for compliance was extended up to 30.05.2022. Thereafter, the *de facto* complainant took out an application to cancel the Anticipatory Bail order stating that there is a willful breach of bail conditions.



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3. The trial Court considering the petition filed by the *de facto* complainant and after giving opportunity to the accused persons, canceled the Anticipatory Bail for the following reasons:

"The 1st respondent/accused namely Mrs.Vimala Bai produce the sureties before V.M.M.Court, Egmore but not sign before the respondent police and 2nd respondent/accused namely Kavitha surrendered and produced the sureties before Hon'ble V.M.M.Court, Egmore, Chennai and sign before the concerned police station from 13.05.2022 to 17.05.2022, only 5 days alone. This Court issued a notice to the respondents 1&2/accused for filing objection if any. Both the accused appear before this Court and filed a writter counter. On perusal of counter filed by accused side, petition filed before the Hon'ble High Court for stay and quash the FIR in Cr.No.44 of 2022. But, till date stay order not granted by the Hon'ble High Court. Considering the overall facts and circumstances of the case, this Court is of the view that the 1st and 2nd respondent/accused have not complied with the order passed by the Hon'ble High Court dated 06.04.2022 in Crl.O.P.No.6816 of 2022 and have not reported before the Investigation Officer as directed by the Hon'ble High Court for interrogation. Hence, as per the Anticipatory Bail condition is vide "(f) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in



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accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.State of Kerala [(2005) AIRSCW5560]; "this Court considered, the accused have committed breach of condition imposed by the Hon'ble High Court. Hence, this petition is allowed."

4. From the records, it appears that after filing the petition under Section 482 Cr.P.C., to quash the complaint, the petitioners/accused had not reported before the Investigating Officer for investigation, thereby they breached the bail conditions knowingly and willfully. Hence, the trial Court has rightly considered the fact and has cancelled the bail. Merely by filing a petition under Section 482 of Cr.P.C., to quash the complain, the accused persons, who are granted liberty by way of Anticipatory bail cannot put spokes to the investigation by non-cooperating and by committing breach of bail conditions.

5. In view of the above, this Criminal Original Petition is dismissed.

11.10.2022

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