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Crl.O.P.No.22136 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.22136 of 2022

S.Purushothaman

...Petitioner

/vs/

1. Porkodi
2. Indumathi
3. State rep by
The Inspector of Police,
K3, Aminjikarai Police Station,
Chennai.

... Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 Cr.P.C. to set aside the order in Crl.MP.No.11229 of 2022 in Crl.MP.No.6041 of 2022 on the file of the Principal Sessions Judge, City Civil Court, Chennai, dated 03.08.2022.

For Petitioner

... Ms.R.Chithra Devi

For Respondents

... Mr.V.T.Narendaran for R1 & R2

Mr.E.Raj Thilak for R3

Additional Public Prosecutor



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ORDER

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2. The learned counsel for the petitioner has submitted that the petitioner is the defacto complainant who gave a complaint against the respondents police. Based on the complaint, a case has been registered in Cr.No.197 of 2022 for the offence punishable under Sections 294(b), 323, 448, 380 and 506 (i) of IPC. After registering the case, the accused police approached the Sessions Court and got anticipatory bail in Crl.MP.No.6041 of 2022 on 26.04.2022. Aggrieved by this order of granting anticipatory bail, the defacto complainant filed the impugned petition in Crl.MP.No.11229 of 2022 for cancellation of anticipatory bail on the ground that the petitioners/accused have stated a false allegation in their petition for obtaining anticipatory bail. Therefore, the anticipatory bail granted in Crl.MP.No.6041 of 2022 has to be cancelled. The respondents/accused also appeared before the court and denied the allegation stated by the petitioner.



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3. Considering the submissions made by both the parties and on perusal of records in Crl.MP.No.11229 of 2022, the learned Principal Sessions Judge, on 03.08.2022, dismissed the petition for cancellation of anticipatory bail and now the same is under challenge before this court.

4. The learned counsel for the respondents/accused has submitted that they complied the conditions imposed in the anticipatory bail petition and now it is relaxed.

5. I have considered the submissions made by the learned counsel for the petitioner, the learned counsel for the respondents 1 and 2 and also the learned Additional Public Prosecutor appearing for R3.

6. A perusal of the records reveals that the petitioner is the defacto complainant. He gave a complaint against the accused to the third respondent police and it is seen that based on the complaint, a case has been registered in Cr.No.197 of 2022 for the offence punishable under Sections



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294(b), 323, 448, 380 and 506 (i) of IPC. After registering the case, the petitioners/accused in Crl.MP.No.6041 of 2022, approached the court and got anticipatory bail and there is no deviation in the conditions imposed by the court while granting the anticipatory bail. Further, the records revealed that the offences under Sections 294(b), 323, 448, 380 and 506 (i) of IPC are punishable below 7 years of imprisonment. Under such circumstances, granting of anticipatory bail is not illegal and the reason stated by the petitioner/defacto complainant is not substantiated. Hence, I find no merit to interfere with the order passed by the trial court.

7. In the result, this Criminal Original Petition is dismissed. No costs.

Index : Yes/No
Internet : Yes/No
gv

17.10.2022

To



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1. The Principal Sessions Judge,
City Civil Court,
Chennai,
2. The Inspector of Police,
K3, Aminjikarai Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

gv

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