



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM

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

Crl.M.P.No.12331 of 2021

in Crl.O.P.No.21202 of 2021

R.Nisha

... Petitioner

-Vs.-

1. The State of TamilNadu

Rep by its Inspector of Police
All Women Police Station,
Perur, Coimbatore District.
(Crime No.18 of 2021)

2. S.Sudhakar

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 439(2) of Criminal Procedure Code, praying to cancel the anticipatory bail granted to the 2nd respondent/accused in Crl.O.P.No.21202 of 2021 dated 11.11.2021 passed by this Court.

For Petitioner : Mr.C.Sivakumar

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : Mr.K.A.Ramakrishnan

ORDER

This Criminal Miscellaneous Petition has been filed seeking to cancel the anticipatory bail granted to the 2nd respondent in Crl.O.P.No.21202 of 2021 dated 11.11.2021 by this Court, in Crime No.18 of 2021 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioner/defacto complainant is a married women and has a male child and she got deserted from her husband. Thereafter, she had love affair with the second respondent through social media and they both lived together and had sexual intercourse due to which, the petitioner/defacto complainant become pregnant following which, the petitioner/defacto



complainant came to know that the second respondent had some illegal affair with some other girls in the social media and when the same was questioned by the petitioner/defacto complainant, the second respondent along with his father threatened the petitioner/defacto complainant with dire consequences.

3. The learned counsel for the petitioner/defacto complainant submitted that the petitioner/defacto complainant was threatened by the second respondent and his family members. He further submitted that the second respondent developed illegal affair with the another girl and he is a CISF constable, he along with his family members threaten the petitioner/defacto complainant, who is pregnant due to the affair with the 2nd respondent, if the anticipatory 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 Additional Public Prosecutor appearing for the first respondent.

5. The learned counsel for the second respondent submitted that the second respondent has not made any threat to the petitioner/defacto complainant. He further submitted that the petitioner/defacto complainant after taking knowledge of the order passed in the above anticipatory bail petition has enacted a drama by filing a false complaint before Thondamuthur Police Station dated 12.11.2021 at 16.30 hours for the alleged occurrence which took place on 11.11.2021 at 11.30 p.m that is after a delay of 15 hours. He further submitted that the complaint is not produced before this Court, rather the CSR copy alone is produced. 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. He further submitted that the second respondent is a CISF constable and he was working Jharkhand. Hence, he prays to dismiss this petition.

6. Considering the fact, that the second respondent subsequently developed illegal affair with the another girl and he is a CISF constable, he along with his family members would threaten the petitioner/defacto complainant, after obtaining anticipatory bail and she is pregnant due to the affair with the 2nd respondent, if the anticipatory bail is continued, there is every possibility for tampering the witnesses and abscond either during investigation or trial



7. In view of the above, the anticipatory bail granted by this Court by order dated 11.11.2021 in Crl.O.P.No.21202 of 2021 is hereby cancelled. Accordingly, this Criminal Miscellaneous Petition is allowed.

WEB COPY

-sd/-

11/02/2022

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.

TO

1 THE ADDITIONAL MAHILA COURT
JUDICIAL MAGISTRATE LEVEL,
COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERUR, COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3C.C. to M/S.C.SIVAKUMAR Advocate on payment of necessary
charges SR.No.2245

Order

in

CRL MP.12331/2021

in

CRL OP.21202/2021

Date :11/02/2022

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

CSK 14/03/2022