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Crl.M.P.No.15054 of 2022
in
Crl.O.P.No.9971 of 2022

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Dr.G.JAYACHANDRAN,J.

The complaint of the defacto complainant registered in Crime No.16 of 2022 on the file of the DCB Police Station, Tiruvallur District. Apprehending arrest on the complaint, the accused persons have approached this Court seeking Anticipatory Bail for the offences under Sections 417, 420, 506 (ii) of IPC.

2. This Court considering the fact and hearing the submissions made by the learned counsel representing for the petitioners and the learned Government Advocate(Crl.Side) representing for the State, granted anticipatory bail to the petitioners on 28.04.2022 expressing opinion that the custodial interrogation of the petitioners are not required and proper co-operation for investigation is sufficient. For the said purpose, the petitioners shall report before the Investigating Officer as and when required for interrogation and the petitioners shall surrender before the Magistrate within a period of 7 days from the date of receipt of



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a copy of that order and execute a bond for Rs.15,000/- with two sureties for the like sum.

3. Now, it is brought to the notice of this Court by the defacto complainant through the Miscellaneous Petition that the the third accused/3rd respondent (Pushpavathy) has not surrendered before the Magistrate and had violated the bail condition 4(a), (b), (c) and (e) and hence, the anticipatory bail granted to her to be cancelled.

4. The learned Government Advocate (Crl.Side) appearing for the State/4th respondent confirms the said allegation.

5. The learned counsel appearing for respondents 1 to 3 states that due to ill-health, the 3rd respondent, who is 67 years old unable to surrender before the Magistrate and execute the surety.

6. This Court is unable to countenance the said excuse. If the third respondent had any difficulty or impediment in complying the



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conditions, she ought to have approached this Court at the earliest seeking relaxation or modification. Since she has not taken any steps for filing a petition for relaxation or modification, the defacto complainant has filed this petition for cancelling the anticipatory bail.

7. It is now submitted by the learned counsel appearing for the 3rd respondent that the third respondent is proposed to seek extension of time to surrender.

8. This Court cannot come to rescue of a violator of bail condition, when there is a specific allegations made that by enjoying the liberty the defacto complainant has been put under threat by the accused persons. Hence, anticipatory bail granted to the third respondent Pushpavathy alone by this Court vide order dated 28.04.2022 shall stand cancelled. Accordingly, this Criminal Miscellaneous Petition is allowed.

12.10.2022

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