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CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/07/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) No.9452 of 2021

DHARMARAJ

... PETITIONER

Vs

1 STATE REP.BY
THE INSPECTOR OF POLICE
AMBILIKKAI POLICE STATION,
OTTANCHATIRAM TALUK,
DINDIGUL DISTRICT.
(IN CRIME NO.124 OF 2021)

... COMPLAINANT/RESPONDENT

2 DINAKARAN

... ACCUSED/RESPONDENT

For Petitioner : M/S.MADASAMY.T.M Advocate
For Respondents : MR.P.KOTTAICHAMY,
Government Advocate (Crl.Side) for R1
MR.D.VENKATESH, Advocate for R2

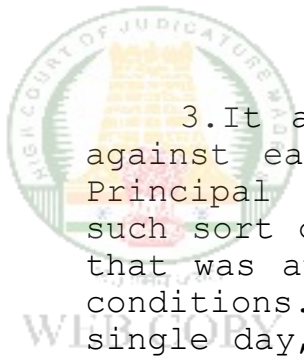
PETITION FOR CANCELLATION OF ANTICIPATORY BAIL SECTION 439 (1) (b)

PRAYER : TO CANCEL THE ANTICIPATORY BAIL GRANTED IN CRL.M.P.NO.1983 OF 2021 ON 24/06/2021 BY THE HONOURABLE PRINCIPAL SESSIONS JUDGE, DINDIGUL.

ORDER : The Court Made the following order :-

This petition has been filed on the ground that the 1st respondent police has not taken any steps to secure the mobile phone, which was used in the aforesaid occurrence. But, without securing the aforesaid mobile phone, the final report has been filed before the concerned Court. So, according to the petitioner, the 1st respondent is trying to save the 2nd respondent from the criminal prosecution. On that ground, this petition came to be filed.

2.The learned Government Advocate (Crl.side) for the 1st respondent submits that further investigation is ordered by the learned Judicial Magistrate No.1, Dindigul by order dated 20.04.2022. In pursuance of the aforesaid direction and order, further investigation was undertaken and during the course of further investigation, the aforesaid mobile phone has been secured from the accused persons and now, it has been sent to the Forensic Science Laboratory for examination. Now, the grievance of the petitioner has been redressed.



3.It appears that there are allegation and counter a on against each other. When granting anticipatory bail, the learned Principal Sessions Judge, Dindigul thought it fit not to go into such sort of counter allegations. Only on the basis of the material that was available on the date, anticipatory bail was granted with conditions. The grievance of the petitioner is that not even a single day, the 2nd respondent was in prison and during the pandemic period only, anticipatory bail was granted.

4.The Investigation Officer is also present before this Court. He has submitted that there were allegation and counter allegation between the parties and when the 2nd respondent was about to marry, trouble has arisen between the deceased and the 2nd respondent, over which the aforesaid occurrence said to have been taken place. Even though, anticipatory bail was granted to the petitioner, during the course of investigation, if anything is required by the Investigation Officer for subjecting the 2nd respondent to custodial interrogation, he is at liberty to approach the concerned Court for appropriate orders. Cancellation of bail on the ground that not even a single day, the 2nd respondent was in prison cannot be a good reason for cancelling the bail. Investigation is also going to be over by receiving the lab report.

5.With the aforesaid liberty and direction, this petition is disposed of.

sd/-

05/07/2022

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/07/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, DINDIGUL DISTRICT.
- 2 THE INSPECTOR OF POLICE
AMBILIKKAI POLICE STATION,
OTTANCHATIRAM TALUK, DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9452 of 2021

Date : 05/07/2022