



Crl.O.P.No.14921 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.14921 of 2022

Sumathi

... Petitioner

VS

The State rep. by,
1. Inspector of Police,
Thirumuruganpoondi Police Station,
Kanganyam (TK) Tirupur District.
(Crime No.196 of 2022)

2.S.Chandra
(R2 implead as per order
dated 08.08.2022 in
Crl.M.P.No.12534 of 2022 in
Crl.O.P.No.14921 of 2022)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to set aside the order passed in Crl.M.P.No.990 of 2022 on the file of the learned Principal Session Judge, Thirupur, dated 01.06.2022 in connection with Crime No.196 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Venkatachalam

For Respondent : Mr.S.Santhosh (For R1)
Government Advocate (crl.side)



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For R2 : Notice served (No appearance)

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ORDER

This Criminal Original Petition has been filed to set aside the order passed in Cr.M.P.No.990 of 2022 on the file of the learned Principal Session Judge, Thirupur, dated 01.06.2022 in connection with Crime No.196 of 2022 on the file of the respondent Police.

2.It is the submission of learned counsel for petitioner that defacto-complainant borrowed loan from petitioner. The defacto-complainant did not repay the amount. There is also civil suit in O.S.No.243 of 2022 is pending. Petitioner got anticipatory bail in Cr.M.P.No.911 of 2022. However, on the petition filed by the respondent Police, anticipatory bail was cancelled by the order passed in Cr.M.P.No.990 of 2022 on 01.06.2022 by the learned Principal Sessions Judge, Tirupur. The reasons stated for cancellation of anticipatory bail, according to the learned counsel for the petitioner, are not correct. Challenging the said order, this petition is filed.



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3. In response, the learned Government Advocate (Criminal side) submitted that petitioner had violated the anticipatory bail conditions and therefore anticipatory bail granted in favour of the petitioner was cancelled.

4. Considered the rival submissions.

5. The perusal of the order passed by the learned Principal Sessions Judge, Tiruppur, in Cr.M.P.No.990 of 2022 shows that subsequent to the grant of anticipatory bail in favour of the petitioner, she trespassed into the disputed property, squatted over property and taken forcible possession of the property. She also said to have violated the anticipatory bail conditions and she did not turn up for enquiry before the respondent Police. In such circumstances, the learned Principal Sessions Judge, Tiruppur, has cancelled the anticipatory bail order granted in favour of the petitioner in Cr.M.P.No.911 of 2022 on 28.04.2022. On going through the order dated 01.06.2022, in Cr.M.P.No.990 of 2022, this Court finds that anticipatory bail order was rightly cancelled, for the reason that after granting



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favourable anticipatory bail order, petitioner trespassed into the disputed property, squatted over the property and took forcible possession. she also violated the bail conditions, did not turn up for enquiry before respondent Police. This Court finds there is no illegality or irregularity in cancelling the anticipatory bail granted in favour of petitioner in Cr.M.P.No.911 of 2022. Thus, the order dated 01.06.2022, in Cr.M.P.No.990 of 2022, passed by learned Principal Sessions Judge, Tiruppur, is confirmed. Accordingly, this Criminal Original Petition is dismissed.

17.04.2023

Index: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

1. Inspector of Police,
Thirumuruganpoondi Police Station,
Kanganyam (TK) Tirupur District.

2. The Public Prosecutor,
High Court, Madras.

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