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Crl.M.P.No.13946 of 2022 in  
Crl.O.P.No.9717 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM :

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

Crl.M.P.No.13946 of 2022  
in Crl.O.P.No.9717 of 2021

M.P.Adimoolam

...petitioner

Vs.

1.M.Veerasamy

2.The Station House Officer,  
Mettupalayam Police Station,  
Mettupalayam  
Puducherry-605 009.  
Crime No.185 of 2020

...Respondent

**PRAYER:** Criminal Miscellaneous Petition has been filed under Section 439(2) of Criminal Procedure Code praying to cancel the bail granted to the 1<sup>st</sup> respondent/3<sup>rd</sup> accused vide order dated 27.05.2021 in Crl.O.P.No.9717 of 2021.

For Petitioner : Mr.R.Arunkumar  
For R1 : Mr.K.Gandhi Kumar  
For R2 : Mr.K.S.Mohandass  
Additional Public Prosecutor (Puducherry)



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## **ORDER**

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This petition is filed by the petitioner/defacto complainant seeking to cancel the bail granted to the 1<sup>st</sup> respondent/3<sup>rd</sup> accused vide order dated 27.05.2021 in Crl.O.P.No.9717 of 2021.

2. According to the defacto complainant, he was the owner of the property in question, which was brought on public sale. In the public auction, the 1<sup>st</sup> accused purchased the property and subsequently the same was confirmed in her favour in the year 2015. On such purchase, the 1<sup>st</sup> accused had leased out the property in favour of the 3<sup>rd</sup> accused herein in the year 2015. While so, in the year 2020, the defacto complainant has filed private complaint before the learned Judicial Magistrate, Puducherry in Crl.M.P.No.9284 of 2019 and based on the direction issued vide order dated 27.11.2020, the case in Crime No.185 of 2020 came to be registered against the accused Nos.1 to 3.

3. Upon registration of the case, the 3<sup>rd</sup> accused has filed the instant Crl.O.P.No.9717 of 2021 seeking anticipatory bail. This Court granted



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anticipatory bail subject to certain conditions. Seeking to cancel the anticipatory bail so granted, the defacto complainant has come forward with this petition.

4. This petition has been filed by the defacto complainant mainly on the ground that the 3<sup>rd</sup> accused is carrying out business in the property in question without obtaining any licence. In support of this plea the defacto complainant placed reliance on the reply given by the Public Information Officer under the Right to Information Act.

5. On the other hand, the 3<sup>rd</sup> accused/2<sup>nd</sup> respondent herein has filed the counter affidavit specifically contending that in view of the repeated complaints given by the defacto complainant against him, he could not peacefully run the business. In any event, the 3<sup>rd</sup> accused/2<sup>nd</sup> respondent herein is complying with the conditions imposed by this Court while granting anticipatory bail. The present petition has been filed only to harass him. Accordingly, he prayed for dismissal of this petition.



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6. Heard the learned counsel appearing for the petitioner, the learned counsel for the first respondent as well as the learned Additional Public Prosecutor (Puducherry) appearing for the 2<sup>nd</sup> respondent.

7. It is no doubt true that the 3<sup>rd</sup> accused/2<sup>nd</sup> respondent herein is complying with the conditions imposed by this Court while granting anticipatory bail to him and it is also not disputed by the petitioner/defacto complainant. The present petition has been filed by the defacto complainant on the specious plea that the 3<sup>rd</sup> accused is running the business in the leasehold premises without obtaining any licence. Such a plea on the part of the petitioner/defacto complainant is not a ground for cancellation of the anticipatory bail granted to the first respondent/accused.

8. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

25.01.2023

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order  
gbi



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To

1.The Station House Officer,  
Mettupalayam Police Station,  
Mettupalayam  
Puducherry-605 009.

2.The Public Prosecutor,  
High Court of Madras.



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**T.V.THAMILSELVI, J.**

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