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CrI.O.P.No.19269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.19269 of 2023

K. Rajendran

... Petitioner / Defacto complainant

Vs.

1.State of Tamil Nadu,
Rep. by the Inspector of Police,
Kannankurichi Police Station,
Salem.

... 1st Respondent / Complainant

2.R. Silambarasan

... 2nd Respondent / Accused

PRAYER: Criminal Original Petitions filed under Section 439(2) of Cr.P.C., prayed to cancel the bail granted to the 2nd respondent / Accused by the learned Judicial Magistrate No.IV, Salem in CrI.M.P.No.3078 of 2023 dated 18.04.2023.

For Petitioner	: Mr. S. Karthikeyan
For R1	: Mr. R. Vinothraja, Govt. Advocate (Criminal Side)
For R2	: Mr. T. Balachandran



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ORDER

This petition has been filed by the defacto complainant seeking interference and cancellation of the order granting bail to the 2nd respondent herein / accused in Crime No.218 of 2023 registered by the 1st respondent. The bail was granted by the learned Judicial Magistrate No.IV, Salem, in Crl.M.P.No.3078 of 2023 by an order dated 18.04.2023.

2.It must be stated that FIR in Crime No.218 of 2023 had been registered under Sections 381 and 506(ii) of IPC. The 2nd respondent had been remanded to judicial custody on 01.04.2023. It had been alleged that he had committed a theft of Rs.31,000/- from the Petrol Bunk. On consideration of the facts and circumstances, the learned Judicial Magistrate No.IV, Salem by an order dated 18.04.2023 had granted bail in Crl.M.P.No.3078 of 2023. The normal conditions, that the petitioner shall execute bond and produce sureties and that he should appear before the respondent and co-operate during the course of investigation process and would not commit similar offences and more particularly, shall not tamper with the evidence and shall not make any inducement, threat or promise to any person so as to dissuade



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him from disclosing facts to the Court, had been imposed.

3.Complaining that the 2nd respondent had been interfering and trying to influence one witness, Poomalai, which influence would be to the disadvantage of the defacto complainant during the course of trial process, this petition has been filed seeking cancellation of bail.

4.Notice had been issued to the 2nd respondent / accused and the learned counsel had also entered appearance.

5.I must state that good sense had prevailed and the learned counsel had advised the 2nd respondent to file an affidavit that he would not interfere with any person or any witness. The paragraph No.6 of the affidavit is as follows:

“6. I further submit that I am not involved any kind of activities I am not threatening to anyone person or anyone witness I obediently follow the Court order and also and undertake to file this affidavit I am not threatening to any witness of above said case and I am not involved any kind of similar offence and I am not tamper of evidence with the above said this case.”



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6.The learned counsel for the petitioner, however, pointed out the words stated therein and stated that they give an impression that the 2nd respondent is not guilty of any of the offences alleged against him. But, let me not put the language as framed, against the 2nd respondent, but broadly take it to be an undertaking that the 2nd respondent would not influence or coerce or in any manner interfere with not only with the named individual Poomalai but with every other witnesses for the prosecution.

7.A copy of this affidavit may also be produced and filed before the learned Judicial Magistrate No.IV, Salem and also be kept in the records in Crime No.218 of 2023.

8.Observing as above, the petition seeking cancellation of bail stands disposed of, since directions have been given and the undertakings recorded.

14.12.2023

smv



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To

- 1.The learned Judicial Magistrate No.IV, Salem.
- 2.The Inspector of Police,
Kannankurichi Police Station,
Salem.
3. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

smv

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