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Crl.O.P.No.21986 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.21986 of 2023
and Crl.M.P.No.15234 of 2023

1. Mohanraj

2. Jaisankar

... Petitioners

Vs.

State by,
The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.

(Crime No.204 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order passed by the learned Judicial Magistrate, Cheyyar, Thiruvannamalai District in Crl.M.P.No.4503 of 2023 dated 11.08.2023 in so far as it relates to the petitioners herein.

For Petitioners : Mr.A.Jeeva

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed by the learned Judicial Magistrate, Cheyyar, Thiruvannamalai District in Crl.M.P.No.4503 of 2023 dated 11.08.2023.

2. Learned counsel for the petitioners submitted that the petitioners are running a roadside restaurant and there was a quarrel with the respondent Police, due to which, the respondent Police has been repeatedly registering false cases against the petitioners. He further submitted that the petitioners have approached this Court seeking anticipatory bail in Crl.O.P.No.13628 of 2023 in connection with Crime No.204 of 2023 and this Court, by an order dated 27.06.2023, had granted anticipatory bail to the petitioners herein imposing certain conditions. He further submitted that the petitioners, after executing the sureties, apprehending that they would be detained by the respondent police under Act 14, they did not appear before the respondent police for complying with the conditions.



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3. He further submitted that due to lack of proper legal advice, the petitioners have not even filed the petition for modification or relaxation. Meanwhile, the respondent Police in order to wreak vengeance has filed an application seeking cancellation of anticipatory bail granted to the petitioners and the learned trial Judge without issuing proper notice to the petitioners had canceled the anticipatory bail granted to the petitioners vide order dated 11.08.2023. Therefore, the present petition has been filed seeking to set aside the order passed in Crl.M.P.No.4503 of 2023. He further submitted that the petitioners are ready to appear before any other police station other than the respondent Police and are also ready to co-operate for the disposal of the case.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that this Court by an order dated 27.06.2023 had granted anticipatory bail to the petitioners in Crl.O.P.No.13628 of 2023 with a condition to appear before the respondent Police everyday at 10.30 am., until further orders. He further submitted that since the petitioners have not complied with the condition, the respondent Police have moved an application for cancellation



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of anticipatory bail granted to them and the trial Court, after issuing notice to the petitioners, have canceled the anticipatory bail vide order dated 11.08.2023.

He further submitted that perusal of records shows that the notice have been served on the petitioner's mother. However, he sought for dismissal of the petition.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. It is seen that this Court by an order dated 27.06.2023 had granted anticipatory bail to the petitioners imposing certain conditions. Subsequently, the respondent has filed an application seeking to cancel the anticipatory bail granted to the petitioners on the ground that the petitioners have not complied with the condition and it is reported that the trial Court had also canceled the anticipatory bail granted after issuing notice to the petitioners, whereas, now it is stated that the notice has not been served on the petitioners and it has been received only by the petitioners' mother. It is submitted by the petitioners that



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they are ready to appear before any other police station other than the respondent police station.

7. In view of the above facts and circumstances and the submissions made by the learned counsel on either side, the petition stands ordered and thereby, the impugned order passed by the trial Court in Crl.M.P.No.4503 of 2023 dated 11.08.2023 is set aside. Consequently, connected miscellaneous petition is also closed. However, the petitioners are directed to report before the Inspector of Police, B1, Sivakanchi Police Station, Kanchipuram, everyday at 10.30 a.m., for a period of two weeks from 22.12.2023 and thereafter, appear before the learned Judicial Magistrate, Cheyyar, Thiruvannamalai, at 10.30 a.m., on the first working day of every English Calender month, until further orders.

13.12.2023

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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A.D.JAGADISH CHANDIRA, J.

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To

1. The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
2. The Public Prosecutor,
High Court of Madras.

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and Crl.M.P.No.15234 of 2023**

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