



Crl.M.P. No.17521 of 2023 in Crl.O.P.No.13439 of 2023

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A.D.JAGADISH CHANDIRA, J.

This petition has been filed by the de facto complainant seeking to cancel the anticipatory bail granted to the first respondent herein by an order dated 28.06.2023 in Crl.O.P.No.13439 of 2023.

2. The case of the petitioner is that based on the complaint given by him, a case in Crime No.34 of 2023 came to be registered against the first respondent herein for the offences punishable under Sections 147, 341, 294(b), 447 and 506(i) of I.P.C. It is the further case of the petitioner/defacto complainant that the first respondent had approached this Court seeking anticipatory bail in Crl.O.P.No.13439 of 2023 and this Court, by an order dated 28.06.2023, had granted anticipatory bail to him imposing conditions and as one of the conditions imposed, the first respondent was directed to appear before the second respondent-police daily at 10.30 a.m., and he shall not tamper with evidence or witness during investigation or trial. The petitioner/defacto complainant now alleged that



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after getting anticipatory bail from this Court, the first respondent had been continuously threatening him on 02.10.2023 and 03.10.2023 through a mobile phone carrying number 9444405318 and in this regard, the petitioner/defacto complainant had given a complaint to the second respondent police on 04.10.2023. Since the first respondent had violated the condition imposed by this Court, the present application has been filed for cancellation of bail granted to the first respondent.

3. Mr.R.Ragavendran, learned counsel for the petitioner/defacto complainant, would submit that this Court, while granting anticipatory bail to the first respondent/accused vide order dated 28.06.2023 in Crl.O.P.No.13439 of 2023, had directed the first respondent/accused not to tamper with evidence or witness during investigation or trial whereas the first respondent/accused had threatened the petitioner/defacto complainant over phone and thereby, the learned counsel seeks to cancel the anticipatory bail granted to him.



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4. Mr.P.Krishnan, learned counsel for the first respondent, would

submit that the petitioner/defacto complainant has preferred a false complaint against the first respondent only with a motive to fructify his petition for cancellation of bail and the first respondent has not violated the conditions imposed by this Court while granting anticipatory bail. He would further submit that the petitioner's employer, by fabricating the documents of the first respondent, has obtained bank loan and cheated the bank. Based on the complaint given by the first respondent, a case was registered against the petitioner's employer one Srinivasan and his associate viz., Venkatesan and they were arrested and enlarged on bail and only as a counter blast on the instigation of Srinivasan, the petitioner has given a false complaint. He would reiterate that the first respondent has not violated the conditions imposed by this Court and seeks to dismiss the Criminal Miscellaneous Petition.

5. Mr.S.Udayakumar, learned Government Advocate (Criminal Side) appearing for the second respondent would submit that the petitioner/defacto complainant had lodged a complaint against the first



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respondent and based on the complaint given by the petitioner/defacto complainant, the second respondent-police had conducted an enquiry in CSR No.1271 of 2023 and Call Detail Records were called for and it was found that the alleged threatening calls made from mobile phone number 9444405318 were only missed calls and it was found that the allegation of criminal intimidation was false and thereby, the complaint given petitioner/defacto complainant dated 04.10.2023 has been closed.

6. Heard Mr.R.Ragavendran, learned counsel for the petitioner, Mr.P.Krishnan, learned counsel for the first respondent and Mr.S.Udaya Kumar, learned Government Advocate(Criminal Side) for the second respondent-police and perused the materials available on record.

7. Taking into consideration the development that had taken place in the case as reported by the learned Government Advocate (Criminal Side) that on the allegation of threat made by the first respondent vide complaint dated 04.10.2023, the complaint has been taken on the file by the second respondent-police in CSR No.1271 of 2023 and on enquiry, it was found



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that the threatening calls alleged to have been made from the particular number are only missed calls and thereby the said complaint has been closed, this court finds that there is no valid ground or compelling circumstances warranting this court to cancel the anticipatory bail granted to the first respondent and the present Criminal Miscellaneous Petition is liable to be dismissed. Accordingly, it is dismissed.

06.12.2023

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