



CrI.O.P.No.25118 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

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

CrI.O.P.No.25118 of 2023

D.Deepesh

...Petitioner / defacto complainant

Vs.

The State represented by:

1. The Inspector of Police
M-4 Redhills Police Station
Chennai – 600 052.

... 1st

Respondent

2. V.Jayakumar

... 2nd Respondent/Accused (1)

PRAYER:Criminal Original Petition is filed under Section 439(2) of Cr.P.C. praying to cancellation of bail in order dated 14.08.2023 in CrI.M.P.No. 5444 of 2023 in Crime No. 812 of 2023 on the file of the Judicial Magistrate II, Ponneri, Thiruvallur District.

For Petitioner : Mr. M.Jayaveerapandian

For 1st Respondent : Mr. S.Vinoth Raja



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Government Advocate, (Crl. Side)
For 2nd Respondent : Mr.T.Arul

ORDER

This Petition had been filed seeking cancellation of bail granted to the second respondent / first accused in Cr.No. 812 of 2023 registered under Sections 448, 294(b), 323, 324 and 506(i) of IPC.

2. The bail had been granted in C.M.P.No. 5444 of 2023 by the learned Judicial Magistrate No.2, Ponneri, by an order dated 14.08.2023. That order granting bail is sought to be cancelled by this Petition.

3. The learned counsel for the defacto complainant stated that there is an on going civil dispute with respect to a property to which the family members of the defacto complainant and the family members of the second respondent claim share and that particular suit in O.S.No. 2157 of 2023 is pending before the VII Additional City Civil Court at Chennai.



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4. It is complained that the second respondent, who was working as Sub Inspector of Police, had continuously threatened the petitioner herein/defacto complainant to withdraw the suit. It is also stated that FIR in Cr.No. 812 of 2023 came to be registered on the premise that the second respondent herein had engaged various persons and had assaulted the petitioner/defacto complainant and it is the grievance expressed that his right eye has been practically damaged and he lost eyesight to a large extent in that eye. Complaining that there are continuous threats extended, the bail granted is sought to be cancelled.

5. It is also stated that the second respondent had been taken into custody on 10.08.2023 and on 14.08.2023, the learned Judicial Magistrate No.II, Ponneri had granted the bail. It is also stated that the application seeking bail was not uploaded in the e-court system of the said Judicial Magistrate and that prevented the petitioner herein from participating and objecting to grant of bail.



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6. It is however stated by the learned Government Advocate (Crl. Side) that a learned Single Judge of this Court, in Crl.O.P.No. 24227 of 2023, which was also filed by the petitioner herein seeking transfer of investigation, in an order dated 30.10.2023 opined as follows:-

“Suspecting that one of the accused being a Sub Inspector of Police and trying to influence the entire police Department, this Petition is filed by the petitioner to change the investigation to any other competent authority.

2. This Court finds no merit in this petition, however to dispel the suspicion of the petitioner herein, the first respondent/Deputy Commissioner of Police, is directed to monitor the investigation and file a final report within a period of 45 days.

3. With the above direction, this Criminal Original Petition is disposed of.”



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7. It is stated that in compliance with the above directions, the charge sheet shall be filed within a few days before the jurisdictional Magistrate Court. If charge sheet is filed, then, it is incumbent on the part of the petitioner to participate during the course of trial and tender appropriate evidence. In the meanwhile to inspire further confidence, even though the Deputy Commissioner of Police, Office of Deputy Commissioner of Police, Redhills Police District, Chennai – 600 051 is not party to this proceedings, but was a party to Crl.O.P.No. 24227 of 2023 and had been directed to monitor the investigation in Cr.No. 812 of 2023, Redhills Police Station, Chennai may examine the possibility of the second respondent being directed to stay at any other District as his place of Head quarters during his period of suspension. The Deputy Commissioner of Police may take appropriate decision in that regard since one of his own police force is now suspected of directly interfering with the free flow of justice. It would only be appropriate that the place of Head Quarters of the second respondent is transferred to any other District as deemed fit by the Deputy Commissioner of Police. This would address the fears of the petitioner herein.



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8. With the above direction, this Petition stands dismissed.

Vsg

08.12.2023

To

1. Judicial Magistrate II, Ponneri, Thiruvallur District.
2. The Inspector of Police
M-4 Redhills Police Station
Chennai – 600 052.
3. The Public Prosecutor,
High Court, Madras.



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C.V.KARTHIKEYAN, J.

vsg

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