



Crl.M.P.No.1093 of 2023
in
Crl.O.P.No.11487 of 2022

G.K.ILANTHIRAIYAN, J.

This Criminal Miscellaneous Petition has been filed to cancel the order of Anticipatory Bail granted to the 2nd respondent by this Court in Crl.O.P.No.11487 of 2022 in Crime No. 7 of 2022 registered for the offences under Sections 420, 376, 506(i) of IPC by the 1st respondent police.

2. The learned counsel for the petitioner would submit that after enlarging the 2nd respondent/A1 on anticipatory bail, he had threatened the defacto complainant/petitioner herein by publishing her private photos on social media and threatened with dire consequences. Therefore, she lodged a complaint before the Inspector of Police, Mattuthavani Police station, Madurai. On receipt of the same, the respondent police registered the FIR in Crime No.321 of 2022 for the offences under Sections 420, 376, 506(i) of IPC.

3. The learned Additional Public Prosecutor for the 1st respondent police would submit that after granting anticipatory bail in Crime No.7 of 2022, as directed by this Court, the 2nd respondent had duly complied with the conditions and completely co-operated for interrogation. He would



further submit that the 1st respondent police had no knowledge about the registration of the present FIR in Crime No. 321 of 2022 on the file of the Inspector of Police, Mattuthavani Police Station, Madurai.

4. The learned counsel for the 2nd respondent would submit that originally, the defacto complainant lodged a complaint and the same was registered in Crime No.7 of 2022 for the offences under Sections 420, 376, 506(i) of IPC alleging that the 2nd respondent, with the help of 2nd Accused namely Mahasuritha @ Dhanya cheated her receiving huge amount and also committed rape on her. The said complainant, who is none other than the friend of one Saranraj. The said Saranraj, who is none other than the husband of the 2nd respondent in Crime No.7 of 2022 by name Mahasuritha @ Dhanya. They got married and due to misunderstanding between them, they are living separately. They have also filed petition for divorce and the same was pending on the file of the learned Sub Court, Poonamallee. Therefore, in order to take revenge as against his wife, he instructed the petitioner to lodge a complaint with false allegations.

5. Considering the above facts and circumstances, this Court had granted anticipatory bail to the 2nd respondent in Crime No. 7 of 2022 registered for the offences under Sections 420, 376, 506(i) of IPC on condition that the 2nd respondent shall appear before the 1st respondent police



daily at 10.30am for a period of two weeks and thereafter as and when required for interrogation. Accordingly, the 2nd respondent had appeared before the 1st respondent police and co-operated for the entire investigation.

It is also evident from the FIR that only on the instigation of the said Saranraj, the present FIR in Crime No.321 of 2022 was lodged by the petitioner herein. As far as the investigation in Crime No.7 of 2022 is concerned, the petitioner completely co-operated for investigation and it is pending for filing final report. Therefore, there is no absolute ground to cancel the anticipatory bail granted to the 2nd respondent. In such view of the matter, this Court is of the view that this petition is nothing but clear abuse of process of law and it is liable to be dismissed.

6. Accordingly, this Criminal Miscellaneous Petition is dismissed.

06.02.2023

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