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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.7204 of 2023

Rabiyathul Pazhariya

... Petitioner

Vs.

1. The Inspector of Police,
All Women Police Station,
Puducherry
(Cr.No.2 of 2023)

2.A. Mohamad Mustafa @ Mohammed Mustapa

3. Mumthaj @ Mumtaj Beeve

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to cancel the anticipatory bail granted to the respondents 2 and 3 in the above CrI.M.P.No.600 of 2023 dated 16.02.2023 in Cr.No.2/2023 by the Hon'ble Principal Sessions Judge, Puducherry.

For Petitioner : Mr.D. Ashok Kumar

For Respondents : Mr.Leonard Arul Joseph Selvam for R1
No appearance for R2 and R3

ORDER

The respondents 2 and 3 apprehend arrest at the hands of the respondent police for the offence under Sections 498(A) r/w. Section 34 of IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.2 of 2022.



Subsequently, they have filed a petition, in CrI.M.P.No.600 of 2023 before the learned Principal Sessions Judge, seeking bail.

2. In CrI.M.P.No.600 of 2023, the learned Judge has granted anticipatory bail to the respondents 2 and 3 on 16.02.2023 on condition that they shall be available for interrogation as and when required by the investigation Officer. But the second respondent failed to cooperate for the investigation and also got married with another woman. Hence, the defacto complainant has filed the present petition seeking cancellation of bail.

3. Today, the matter was taken up for hearing. Notice was already issued to the respondents 2 and 3 and though their names are also printed in the cause list, none appeared on behalf of them.

4. Learned counsel for the petitioner has submitted that after availing the anticipatory bail, the 2nd respondent has failed to appear before the other court proceedings in DVC.No.68 of 2023 pending before the Judicial Magistrate, Pallavaram and in MC.No.10 of 2023 pending before the Judicial Magistrate Court, Pallavaram.



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5. After availing anticipatory bail from the trial court, the second respondent has failed to appear before the other court for legal proceedings, also not cooperate for trial which would amounts to dis-obedience to the court order. Thus, he failed to comply with the condition stated in the anticipatory bail petition.

6. Learned counsel appearing for the first respondent has submitted that the investigation is almost completed and they are awaiting for the dowry report as on date.

7. It is a case of dis-obedience of the order of the court. Since the second respondent has failed to cooperate with the legal proceedings, anticipatory bail already granted to the respondents 2 and 3 in CrI.M.P.No.600 of 2023 by the learned Principal Sessions Judge, Puducherry, on 16.02.2023 in Cr.No.2 of 2023, stands cancelled. The first respondent is directed to proceed in accordance with law.

8. Accordingly, this Criminal Original Petition stands allowed.

Gv

10.04.2024



T.V.THAMILSELVI,J.

gv

To

- 1.The Principal Sessions Judge, Puducherry.
- 2.The Inspector of Police,
All Women Police Station,
Puducherry
(Cr.No.2 of 2023)
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7204 of 2023

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