



Crl.O.P.No.13937 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.09.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.13937 of 2024

K.Ravichandran

.. Petitioner

/versus/

1.The Director General of Police,
Office of the DGP of Police,
Police Head Quarters,
Mylapore, Chennai.

2.The Inspector of Police,
District Crime Branch,
Sivagangai District.

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to consider the petitioner residing in the jurisdiction of this Hon'ble Court and that of the same in the case of the first respondent to therefore pass orders directing the first respondent herein to inturn direct the second respondent to act in compliance to the order dated 11.03.2020 in Crl.O.P.No.1129 of 2020 by arresting the person stated as A1 in FIR No.19/19 on the file of the second respondent and by remanding him in prison to render justice to the petitioner.



Crl.O.P.No.13937 of 2024

For Petitioner :Mr.S.Diwakar
For Respondents :Mr.S.Udaya Kumar,
Govt.Advocate (Crl.Side)

ORDER

The petitioner herein is the defacto complainant in Crime No.19 of 2019. The accused by name Shanmugasundaram was initially granted bail with condition and the same was questioned by the defacto complainant and sought for cancellation of bail.

2.This Court, on the petition filed by the defacto complainant in Crl.O.P.(MD)No.1129 of 2020, after considering the facts allowed the petition for cancellation of bail and directed the respondent police to secure the accused and remand him to prison.

3.This Court while cancelling the bail has considered the fact that between the earlier order passed by the Magistrate dismissing the bail petition and the subsequent order of granting bail, there was no change of circumstances and the accused had not co-operated for the investigation and therefore, the reason for granting bail which was refused 20 days ago, is not sustainable. The fact being so, the accused was not secured by the



Crl.O.P.No.13937 of 2024

respondent police and not committed to prison as directed by this Court.

WEB COPY

Hence, the defacto complainant has filed Crl.O.P.No. 13937 of 2024, impleading the Director General of Police as respondent and seeking a direction for implementing the order.

4. The second respondent, who is the Investigating Officer in Crime No19 of 2019, has filed Status Report wherein he has stated that the accused Shanmuga Sundaram had approached Madurai Bench of Madras High Court for anticipatory bail and the said petition was disposed of with an observation that if the relief sought for is granted it would virtually amount to rewriting the order passed earlier namely cancellation of bail. The petitioner has to be arrested or he should surrender before the trial Court and only thereafter, bail petition can be considered. Subsequently, the accused surrendered before the trial Court on 21.08.2024 and moved a bail petition. The trial Court granted bail on condition stating that the order of this Court is now complied by the voluntary surrender of A1 before the trial Court and obtaining bail.

5. The learned Government Advocate (Crl.Side) submitted that



Crl.O.P.No.13937 of 2024

the relief sought in the original petition been complied.

6. The learned counsel appearing for the petitioner submitted that once the bail was cancelled and ordered to be secured, surrender by the accused and getting bail is contrarily to law and not in letter and spirit of the order passed by this Court in Crl.O.P.No.1129 of 2020 dated 11.03.2020.

7. This Court on perusing the records finds that the petition is deserved to be dismissed, in view of the fact that the accused surrendered himself before the Court and obtained bail in accordance with law.

8. Accordingly, this Criminal Original Petition is dismissed.

23.09.2024

Index:yes/no

Neutral citation:yes/no

ari



Crl.O.P.No.13937 of 2024

To:

- 1.The Director General of Police, Office of the DGP of Police, Police Head Quarters, Mylapore, Chennai.
- 2.The Inspector of Police, District Crime Branch, Sivagangai District.
- 3.The Public Prosecutor,High Court, Madras.

DR.G.JAYACHANDRAN,J.

ari



WEB COPY



Crl.O.P.No.13937 of 2024

Crl.O.P.No.13937 of 2024

23.09.2024