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CrI.O.P.No.13896 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.13896 of 2024

D.Leoneard White.

... Petitioner/Defacto Complainant

/versus/

1. State Represented by:

The Inspector of Police,

Sub-Inspector of Police, Tambaram Police Station,

Tambaram.

Crime No.949/2023.

...1st Respondent/ Complainant

2. Mr.John Kennady.

... 2nd Respondent/Accused

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed in CrI.M.P.No.1568 of 2023 dated 10.04.2024 on the file of the Learned Judicial Magistrate-I, Tambaram.

For Petitioner : Mr.M.Ramamurthy,
for Mr.M.Dinesh

For R1 : Mr.S.Udaya Kumar,
Government Advocate (CrI.Side)

For R2 : Mr.S.Silambuselvan



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ORDER

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This Criminal Original Petition is filed by the defacto complainant stating that the sole accused/2nd respondent has violated the bail condition and therefore, bail has to be cancelled.

2. The trial Court which has considered the plea, has dismissed the application to cancel the bail stating that there is no material to hold that the accused is indulging in offence of similar nature or disturbing the defacto complainant. Against the said order, the present Criminal Original Petition is filed.

3. The Learned Counsel for the petitioner submits that bail was granted to the petitioner on 26.11.2023 on specific condition that, the accused should not visit the SOC i.e., Seventh Day Adventist Church until further orders and he should not disturb the defacto complainant and also he was adviced not to indulge in offence of similar nature. While so, the accused after granted bail had been frequently visiting the Seventh Day Adventist Church and disturbing the peaceful conduct of the prayer.

4. To substantiate his contention, the Learned Counsel for the



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petitioner submitted that, even last week the accused had come to the church and picked up quarrel with one Kingsly, a member of the Church which has led to registration of complaint in F.I.R.No.445 of 2024 dated 21.08.2024 for similar offence.

5. The Learned Counsel for the 2nd respondent/accused submitted that there was no violation of the bail condition. The accused been scrupulously complying the bail condition till date. However, having humiliated by the dismissal of the cancellation of bail application, the defacto complainant has engineered one Kingsly to give an identical complaint before Tambaram Police and arrested the accused.

6. This Court, on perusing the records find that there is a dispute between Pastor regarding worship in the Seventh Day Adventist Church at Tambaram. This has led to 1st complaint dated 24.11.2023 in Crime No.949 of 2023. Wherein, the 2nd respondent who was arrested and later granted bail on condition that he shall not visit the SOC i.e., Seventh Day Adventist Church until further orders and not to circulate derogative content pertaining to the defacto complainant in social media.

7. To emphasis that these two conditions were grossly violated by



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the 2nd respondent, the learned counsel appearing for the petitioner state that the petitioner was arrested on 21.08.2024 for similar offence by visiting the Seventh Day Adventist Church and abusing one Kingsly. The whatsapp message emanated from his account would show his attitude against the petitioner with all intention to derogate him.

8. The Learned Counsel for the 2nd respondent submits that under the guise of negotiation, the 2nd respondent was called to Seventh Day Adventist Church and was fixed in the 2nd case. Testing the veracity of the allegations and the counter allegations at this point of time for considering the application for cancellation of bail will be futile, since the respondent police has not completed the investigation in the first case and though nearly 9 months has lapsed.

9. Therefore, it is suffice to direct the 1st respondent police to complete the investigation and file final report within a period of three months and further, if the 2nd respondent is found violating the bail condition in future, same may be brought to the notice of the Court for the cancellation of bail.

10. With this observation, this Criminal Original Petition is



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disposed of.

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Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The Judicial Magistrate-I, Tambaram.
2. The Inspector of Police, Sub-Inspector of Police, Tambaram Police Station, Tambaram.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

bsm

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