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CRL M.P. No.15944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

Crl. M.P. No.15944 of 2024

in Crl. O.P. No.23665 of 2024

Prabhu Thilak S/o. Thilakavathi Petitioner /
Defacto complainant.

VS

1. State represented by:-

The Inspector of Police,
B-4 High Court Police Station,
Parrys, Chennai - 600 001. ... 1st Respondent /
[Cr. No.10 of 2024] Complainant

2.Shruthi Thilak D/o. Kannusamy ... 2nd Respondent / Petitioner /
Accused

PRAYER:- The Criminal Original Petition is filed under Section 483(3)

of B.N.S..S. praying to cancel the anticipatory bail granted to the 2nd
respondent / Accused vide order passed in Crl. O.P. No.23665 of 2024
dated 03.10.2024.

For Petitioner : Mr. C. Emalias

For Respondents : Mr. S. Balaji [for R1]
Govt. Advocate (Crl. Side)



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Mr. M. Govindaraju [for R2]

ORDER

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This petition has been filed by the petitioner to cancel the anticipatory bail granted to the 2nd respondent in Crl. O.P. No.23665 of 2024 dated 03.10.2024.

2. The learned counsel appearing for the petitioner would contend that the 2nd respondent obtained anticipatory bail from this Court by suppressing the cases pending against him and he is involved in 5 previous cases and in the bail order, it was observed by this Court that no previous case is pending. Moreover, the nature of allegations charged against the 2nd respondent / accused are grievous in nature and the occurrence took place in the Court premises. Therefore, the offences are serious in nature. Hence this Court without considering the above said aspects, granted anticipatory bail and therefore, the anticipatory bail granted to the 2nd respondent / accused has to be cancelled.

4. The learned counsel appearing for the 2nd respondent / accused would contend that already in the petition itself, the petitioner mentioned



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about the previous cases and at the time of arguments also, he brought to the knowledge of this Court about the previous cases and there is no suppression of facts and this Court granted bail on consideration of other factors and not only on the sole ground of no pendency of previous cases against the 2nd respondent and already the 2nd respondent/ accused complied the conditions imposed by this Court in the anticipatory bail order and subsequently, the condition was also relaxed by this Court. Therefore, there is no ground to cancel the anticipatory bail granted to the 2nd respondent.

5. The learned Government Advocate (Criminal side) appearing for the 1st respondent would submit that at the time of arguments, the 1st respondent pointed out about the previous cases, but however it was omitted to be mentioned in the order of this Court and thereafter, they filed a petition 'for being mentioned' before this Court and the case was also listed under the caption of 'being mentioned' and thereafter, the above said arguments of the learned Government Advocate appearing for the State had also been included. However, the 2nd respondent had



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complied with the conditions imposed by this Court.

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6. Heard both sides' arguments and perused the materials available on record.

7. The main contention of the petitioner is that the 2nd respondent has 5 previous cases pending against him and the said fact has been suppressed by the 2nd respondent, if the above said cases were brought to the knowledge of this Court, this Court would not have granted anticipatory bail to the 2nd respondent. This Court perused the entire case records. It is true that at the time of passing orders, this Court recorded that there is no previous case pending against the accused as one of the grounds in the order of anticipatory bail. But this Court granted anticipatory bail to the 2nd respondent /accused, not only on the ground of no previous case pending against him, but also considering the nature of offences, relationship between the parties and considering other factors, granted anticipatory bail to the petitioner. Moreover, the 2nd respondent in the bail petition itself stated about the previous cases.



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However, this Court in the order omitted to mention the same.

Therefore, the contention of the learned counsel appearing for the petitioner that there are suppression of facts and this Court without considering the pendency of previous cases granted anticipatory bail to the 2nd respondent / accused, cannot be accepted. Further after passing orders by this Court, the matter was listed under the caption 'for being mentioned' and thereafter, the arguments of the learned Government Advocate appearing for the State also incorporated in the order. Therefore, the anticipatory bail granted to the petitioner is sustainable and no valid grounds to cancel the earlier anticipatory bail granted to the 2nd respondent. Hence, this petition has no merits and deserves to be dismissed.

8. Accordingly, the Criminal Miscellaneous Petition is dismissed.

No costs.

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

mjs

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To

1. The VII Metropolitan Magistrate, George Town, Chennai.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, B-4 High Court Police Station, Parrys, Chennai - 600 001.

P.DHANABAL,J

mjs

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