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Crl.O.P.No.3432 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3432 of 2025

S. Murugaiyan

... Petitioner(s)

Vs

1. The Inspector of Police,
Kottur Police Station,
Thiruvavarur District.

... Respondent/ Complainant

2. Vijaya

... Respondent/ Accused No.3

PRAYER: This criminal original petition has been filed under Section 483(3) of BNSS Act 2023 to cancel the anticipatory bail granted by the Hon'ble Principal Sessions Judge at Thiruvavarur in Crl.M.P.No.62 of 2025 dated 24.01.2025 in connection with Crime No.3 of 2025.

For Petitioner(s) : M/s. P. Venkatesan

For R1 : Mr. S. Balaji,
Government Advocate (Crl.Side)

For R2 : Mr. L. Narasimha Varman



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ORDER

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This criminal original petition has been filed by the defacto complainant/ petitioner, to cancel the anticipatory bail granted to the second respondent herein by the Hon'ble Principal Sessions Judge at Thiruvavarur in Crl.M.P.No.62 of 2025 dated 24.01.2025 in connection with Crime No.3 of 2025.

2. The learned counsel appearing for the petitioner/ defacto complainant submitted that the accused persons/ A1 and A3 were threatening the petitioner to withdraw the complaint lodged by him against the accused persons in Crime No.3 of 2025 or otherwise they would kill the defacto complainant using petrol bomb; that the petitioner had also lodged a complaint before the respondent police against the threat made by the accused persons, but no action has been taken, and hence prayed for cancelling the anticipatory bail granted to the second respondent herein by the learned Principal Sessions Judge at Thiruvavarur in Crl.M.P.No.62 of 2025 dated 24.01.2025.

3. The learned counsel appearing for the second respondent submitted that the second respondent is a lady and the instant false complaint has been lodged by the petitioner, only to further harass the second respondent; that the second respondent is regularly complying with the condition imposed on her



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while granting anticipatory bail, hence prayed to dismiss this petition.

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3. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the defacto complainant lodged a complaint against the accused persons A1 to A3 and the same was registered in Crime No.3 of 2025 for the offences under Sections 296(b), 118(1) and 351(3) of BNS; that A1 was arrested and released on bail by the learned Judicial Magistrate-II, Mannargudi on 07.01.2025 and A3 was granted anticipatory bail by the learned Principal Sessions Judge at Thiruvavarur in Crl.M.P.No.62 of 2025 dated 24.01.2025; that both A1 and A3 are regularly complying with the conditions imposed on them. He further submitted that on the complaint received from the petitioner regarding the threat made by the accused, the first respondent had requested the RDO, Mannargudi, to initiate action under Section 126 of BNSS, since the petitioner and the accused persons are closely related to each other and there is possibility of arriving at a settlement of the dispute between them; and that the RDO is yet to take action in this regard.

4. Considering the aforesaid facts and circumstances, this Court is of the view that the anticipatory bail granted to the second respondent herein need

SUNDER MOHAN, J.



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not be cancelled at this stage. However, if the first respondent receives any complaint from the petitioner in future regarding threats from the accused, that warrants action, it is open to the first respondent or the petitioner to file a petition for cancellation of bail granted to the accused persons.

5. With the above observations, this criminal original petition is closed.

28.03.2025

stn

To

The Inspector of Police,
Kottur Police Station,
Thiruvavarur District.

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