



Crl.O.P.No.9367 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9367 of 2025

and

Crl.M.P.No.6212 of 2025

S.M.Krishnan

... petitioner

Vs

1. The State,
Rep. By Deputy Superintendent of Police,
DCB/Anti Land Grabbing Special Cell,
Salem District.

2. S.Murugesan

... Respondents

Criminal Original Petition is filed under Section 528 of BNSS., to set aside the order passed by the learned Assistant Sessions Judge, Sankari in C.M.P.No.12 of 2025 in S.C.No.171 of 2019 dated 19.03.2025 by allowing the present criminal original petition.

For petitioner : Mr.R.Jayaprakash

For Respondents : Mr.R.Vinothraja,
Government Advocate (Crl.Side) for R1

: Mr.J.Titus krock (for R2)



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ORDER

This Criminal Original Petition has been filed challenging the order dated 19.03.2025 in C.M.P.No.12 of 2025 in S.C.No.171 of 2019 passed by the learned Assistant Sessions Judge, Sankari, thereby cancelling the anticipatory bail granted to the petitioner.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner is arrayed as A3 in S.C.No.171 of 2019 and he is facing charges for the offences under Sections 120(b), 369, 386, 420, 457, 447, 468, 471, 506(ii) of IPC and Section 3(i) of the TNPPDL Act, 1992, on the complaint lodged by the second respondent. When the trial was proceeding before the Trial Court, the respondents filed a petition to cancel the anticipatory bail granted to the petitioner on the ground that some voice message was sent through WhatsApp to LW.14's mobile number, thereby threatening him not to attend the Court to give evidence. Therefore, the Trial Court cancelled the anticipatory bail granted to the petitioner.



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4. On a perusal of the records, it is revealed that the respondents did not even whisper in which application the petitioner was granted anticipatory bail to cancel the same. Further, the Trial Court also did not even mention the anticipatory bail petition to cancel the same. The Trial Court mentioned only the date of grant of anticipatory bail as 27.09.2011. Therefore, the petitioner was granted anticipatory bail on 27.09.2011. After a period of 14 years, now the Trial Court cancelled the anticipatory bail.

5. Even according to the second respondent, some WhatsApp voice message was sent from the petitioner's mobile phone number to L.W.14. Nothing was produced before the Trial Court to verify whether the petitioner made any threat to L.W.14 or not. That apart, the petitioner is also now daily reporting before the Trial Court without fail. Further, so far, the prosecution had examined L.W.1 to L.W.22. In fact, L.W.14 was already examined by the prosecution. Therefore, there is absolutely no reason for the Trial Court to cancel the anticipatory bail granted to the petitioner, and it is liable to be set aside.



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6. In view of the above, this Criminal Original Petition is allowed, and the impugned order dated 19.03.2025 in C.M.P.No.12 of 2025 in S.C.No.171 of 2019 is hereby set aside, on condition that the petitioner shall appear before the Trial Court on all hearing dates without fail. Consequently, the connected Miscellaneous Petition is closed.

24.04.2025

Index:Yes/No

Neutral Citation/Yes/No

kv

To

1. The Deputy Superintendent of Police,
DCB/Anti Land Grabbing Special Cell,
Salem District.
2. The Assistant Sessions Judge, Sankari.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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