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CrI.OP No.31395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.31395 of 2024

N.Velvizhi

...Petitioner/De-facto complainant

Versus

1. State of Tamil Nadu,
Rep.by Inspector of Police,
Guduvancherry Police Station,
Chengalpattu
(Cr.No.187 of 2024)

2. Kaleeswari

3. Santhanalakshmi

...Respondents/Accused

Prayer: Criminal Original Petition filed under Section 483(3) of BNSS Act, to cancel the anticipatory bail granted in CrI.M.P.No.1411 of 2024 dated 29.05.2024 in Crime No.187/2024 by the learned Principal District Judge cum Sessions Judge, Chengalpet, on the file of the Inspector of Police, Guduvancherry Police Station.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.S.Santhosh
Government Advocate (CrI.Side)
for R1



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Mr.E.Abdul Rahiman
for R2 and R3

For Intervenor: Mr.Sathish Cenduran

ORDER

A Criminal Original Petition has been filed to cancel the order passed in Crl.M.P.No.1411 of 2024 by the learned Principal District Judge cum Principal Sessions Judge, Chengalpet, dated 29.05.2024, in Crime No.187 of 2024 granting anticipatory bail to the second and third respondents.

2. The petitioner seeks cancellation of the anticipatory bail granted to the second and third respondents herein in Crl.M.P.No.1411 of 2024 dated 29.05.2024 on the ground that the order was passed by noting that the properties stolen were recovered but in fact, no property was recovered.

3. Learned counsel for the petitioner/*de-facto* complainant submitted that the learned Sessions Judge had granted anticipatory bail also taking into consideration the fact that the jewels said to have been taken from the *de-facto* complainant have been recovered and since it is factually incorrect, the impugned order granting anticipatory bail is liable



to be set aside.

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4. Learned Government Advocate (Crl.Side) for the first respondent, on instruction, submitted that only two cellphones were recovered and the jewels were not recovered; and that the statements in the impugned order may not be factually correct.

5. Learned counsel for the second and third respondents, however, contended that the anticipatory bail was not only granted on that ground but also taking into account other factors with regard to the relationship between the second respondent's husband and the *de-facto* complainant; that the alleged occurrence took place on 04.04.2024; and that the FIR was lodged only on 15.05.2024.

6. On perusal of the impugned order, it is seen that though the learned Sessions Judge had observed that the stolen articles were recovered, the learned Sessions Judge had also considered the other factors, namely the relationship between the parties and the delay in lodging the complaint, while granting anticipatory bail. This Court is of the view that, therefore, there is no reason to interfere with the impugned



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order, especially since the final report has now been filed by the respondent.

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7. With the above observation, the Criminal Original Petition is dismissed.

05.03.2025

dk

To



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1. The Inspector of Police,
Guduvancherry Police Station,
Chengalpattu.

2. The Public Prosecutor,
High Court of Madras,
Chennai.

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SUNDER MOHAN, J.
dk



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