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Crl OP No.31965 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 18.02.2025

CORAM :

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Crl.O.P.No.31965 of 2024

Madhesh

...Petitioner

Versus

1. The State

Rep.by Inspector of Police,  
Keelkuppam Police Station,  
Chinnasalem Taluk,  
Kallakurichi District.  
(Cr.No.338 of 2024)

2. G.Rajamanickam

3. Bocker Ramasamy @Ramasamy

... Respondent

**Prayer:** Criminal Original Petition filed under Section 439(2) r/w Section 483(3) of BNSS Act, to cancel the order passed in Crl.MP.No.146 of 2024 by the Principal Sessions Court, Kallakurichi dated 28.10.2024 granting anticipatory bail to the respondents 2 and 3.

For petitioner : Mr.A.Sam Arul Prasath

For Respondents : Mr.S.Santhosh,  
Government Advocate (Crl.Side)  
for R1  
: Mr.V.Gurusekar  
for R2 and R3



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## **ORDER**

A Criminal Original Petition has been filed to cancel the order passed in Crl.MP.No.4146 of 2024 by the Principal District and Sessions Court, Kallakurichi, dated 28.10.2024 granting anticipatory bail to respondents 2 and 3.

2. The instant petition has been filed seeking cancellation of anticipatory bail on the ground that the Principal District and Sessions Court, ought not to have granted anticipatory bail to respondents 2 and 3 since the first respondent misled the Principal District and Sessions Court regarding the offences that they were charged with.

3(a). Learned counsel for the petitioner/*de-facto* complainant would submit that the allegations are serious in nature; that the order granting anticipatory bail is liable to be set aside since the respondents 2 and 3 had suppressed the fact that the offences alleged against them were altered.

(b). The learned counsel for the petitioner further submitted that in any case, the learned Public Prosecutor for the State, ought to have brought to the notice of the learned Judge about the alteration of the



offences and thus sought for setting aside the order granting anticipatory bail.

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4. Learned counsel for the accused/respondents 2 and 3, however, submitted that the petitioner/de-facto complainant had stated the allegations against them and they were not aware of the altered offences hence, they cannot be accused of suppression.

(b). The learned counsel for respondents 2 and 3, further submitted that the learned Public Prosecutor for the State was heard and he opposed the grant of anticipatory bail and considering the facts and circumstances of the case, the learned Principal District and Sessions Judge, Kallakurichi, had granted anticipatory bail.

5. Learned Government Advocate (Crl.Side) for the first respondent submitted that considering the nature of allegations and since there is a civil dispute between the respondents 2 and 3 and the petitioner, the learned Judge thought it fit to grant anticipatory bail and the respondents 2 and 3 had complied with the conditions imposed by the Sessions Court.

6. According to the respondents 2 and 3/accused, they were not



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aware of the alteration report. However, even assuming that the alteration report was not brought to the notice of the learned Judge, this Court finds that the petitioner has made all the allegations in the FIR. The allegations in the FIR and the allegation in the alteration report are substantially the same. Further, the learned Public Prosecutor for the State was also heard before the anticipatory bail granted by the trial Court.

7. In a petition for anticipatory bail, the question is not whether the accused have committed the offence. The question is whether the custodial interrogation of the accused is required for the purpose of investigation. It is needless to say that the grant of anticipatory bail would not mean that the accused are innocent. Hence, this Court does not find any infirmity in the order granting anticipatory bail. If and when the first respondent after investigation files a final report, the petitioner has every right to assist the prosecution in establishing the offence against respondents 2 and 3.

8. Considering the fact that the custodial interrogation of respondents 2 and 3 is not required, the trial Court granted anticipatory bail. This Court finds no infirmity in the said order and hence finds no



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reasons to set aside the same. However, if there are any supervening circumstances warranting cancellation of anticipatory bail, the petitioner shall be at liberty to move an application for cancellation of bail.

9. Accordingly, this Criminal Original Petition is dismissed.

18.02.2025

Vv

To

1. The Inspector of Police,  
Keelkuppam Police Station,  
Chinnasalem Taluk,  
Kallakurichi District.

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

**SUNDER MOHAN, J.**



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**Vv/dk**

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**18.02.2025**