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Crl.O.P.No.7093 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 7093 of 2025

R.BaskarS/o.M.Rajagopal, No.8/1, Mandhaveli
Street, Thirumazhisai, Chennai-600 124.

..Petitioner(s)

Vs

1. The Inspector Of Police,B7, Vellavedu Police
Station, Vellavedu, Chennai-600 124.
Cr.No.453/2024.
2. Mr.C. Venkatesan

..Respondent(s)

To cancel the anticipatory bail order Crl.M.P.No.5697/2024
dated 01/10/2024 granted by the Honble Principal District and Sessions
Judge at Tiruvallur.

For Petitioner(s):	Mr.R.Baskar Party In PersonAddl Typed Set FiledWritten Arguments FiledAffidavit Of Service Filed
For Respondent(s):	Ms.J.R. Archana, Govt Advocate
For Respondent-2	Mr.V.M. Venkataraman

ORDER

This petition has been filed by the defacto complainant seeking
cancellation of the Anticipatory bail granted to the second respondent in
C.M.P.No.5697 of 2024 on 01.10.2024.

2. The learned counsel for the petitioner who is a party-in-person
submitted that the offence registered in Crime No.453 of 2024 are Sections



426,465,470 of I.P.C and those offences are bailable in nature and without taking note of the fact that the offences registered are bailable offence, the

Sessions Court has granted anticipatory bail to the second respondent.

Hence, the order suffers from of jurisdiction. Since the anticipatory bail is maintainable only for the offences which are non bailable in nature and since the second respondent have involved in bailable offence at the time of registering the F.I.R the anticipatory bail petition is not maintainable. Further gravity of the offences also not been properly considered by the Sessions Court. He further submitted that transfer of investigation of the case is also ordered by the concerned Commissioner directing the CCB to investigate the case which was ordered on 16.09.2024. While granting anticipatory bail, the Vellavedu Police station alone was added as a party and they have submitted the instructions to the concerned Court and it was also not properly appreciated by the Sessions Court. Hence, prays to cancel the anticipatory granted to the second respondent.

3. The learned counsel appearing for the second respondent. submitted since the F.I.R was registered for the offence under Sections 426,465 and 470 of I.P.C, based on the materials incorporated in the F.I.R, they have filed the anticipatory bail petition and they were not aware of the transfer of investigation. He further submitted that the Sections registered in



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the F.I.R was non bailable offence, the Sessions Court has recorded the corresponding offence maintainable under the BNS and taken note of the facts and granted anticipatory bail. Hence, there is no suppression of materials and there is no lack of jurisdiction while granting Anticipatory bail.

4. The learned Government Advocate appearing for the state reported that after registering the F.I.R, the alteration report dated 03.09.2024 was also given to the concerned Jurisdictional Magistrate, wherein the offence was altered into Sections 426,465,470,406 and 420 of I.P.C. She further submitted that now the investigation is also completed by the CCB and they have also filed a report in this regard as early as on 24.07.2025.

5. I have considered the submissions made by either side and carefully gone through the alteration report which reveals that at the time of granting of anticipatory bail the offence was registered under Sections 426,465,470 of I.P.C. It is not known why the Sessions Judge without advertent into the alteration of sections 426,465,470,406 and 420 of I.P.C which is non bailable offence and it is of aggravated offence has granted anticipatory bail to the second respondent . Though it is a valid ground for cancellation of bail, since there is suppression of offences in the petition,



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anticipatory bail was granted as early as on in the month of October 2024,

now it is reported that investigation is also completed and final report is also

filed on 24.07.2025 for the offence under Sections

406,420,465,468,471,448,427 and 506(1) r/w Section 34 of I.P.C

6. I am of the view that since now the final report is also filed and the second respondent was on anticipatory bail from the month of October 2024, cancellation of anticipatory bail after a lapse of more than a year is not necessary. Hence, I am not inclined to cancel the anticipatory bail granted to the second respondent and this petition is dismissed.

20.01.2026

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To

- 1.The Principal District and Sessions Judge at Tiruvallur.
2. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

smn

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