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CRL OP No. 3608 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 3608 of 2026

Mahek Salamullah
D/o. S.A.Md. Salamullah,
No.9/5, Mottai Garden, 10th Street,
Old Washermenpet, Chennai-600 021.

..Petitioner(s)

Vs

1. State Rep. by
The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai.
2. Syed Ameen Ullah Hussainy
No.13/14, Phase-12,
Near Old ASTC HUDCO,
Opp Central exercise,
Hosur, Krishnagiri District-635 109.
3. Khamar Taj
No.13/14, Phase-12,
Near Old ASTC HUDCO
Opp Central exercise, Hosur,
Krishnagiri District-635109.

..Respondent(s)

Criminal Original Petition filed under Section 482(2)(b) of BNSS 2023, praying for cancellation of the anticipatory bail order passed in CrI.M.P.No.10946 of 2025 on 15.12.2025 by the learned Principal Sessions Judge, Chennai.



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For Petitioner(s):

Mr.R.S.Shanmugavelayutham,
Senior Counsel
for M/s.R.Rafi Babu

For Respondent(s):

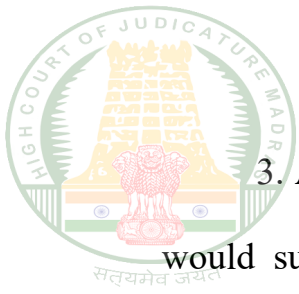
Mr.N.Palanivel,
Government Advocate (Crl.Side) for R1

Mr.S.Sathish
for Mr.M.Mohamed Afridi for R2 and R3

ORDER

This Criminal Original Petition has been filed seeking cancellation of the anticipatory bail granted to the second and third respondents by the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.10946 of 2025 dated 15.12.2025

2. The learned Senior Counsel appearing for the petitioner would submit that, while granting bail, respondents 2 and 3 had furnished incorrect facts before this Court as if the earlier complaint had been given by respondents 2 and 3. It is also the submission of the learned Senior Counsel that only because of the deceitful acts of respondents 2 and 3 and on account of the prescription of certain tablets said to have been given by the Doctor attached to Clarion Polyclinic and Diabetic Care, who is a relative of respondents 2 and 3, the petitioner suffered a miscarriage, which fact was also neither brought to the notice of nor considered by this Court while granting anticipatory bail.



3. At this juncture, the learned counsel appearing for respondents 2 and 3 would submit that the condition imposed by the learned Principal Sessions Judge, Chennai, in CrI.M.P.No.10946 of 2025 dated 15.12.2025 has already been relaxed. It is also the submission of the learned counsel for respondents 2 and 3 that the charge sheet has been filed. The said fact was reiterated by the learned Government Advocate (Crl. Side) appearing for the first respondent, who submitted that the charge sheet has been taken on file in P.R.C.No.65 of 2026.

4. Now, the point to be considered is whether any ground has been made out to cancel the anticipatory bail. It is a well-settled principle of law that any material misrepresentation before the Court will constitute a ground for cancellation of bail. However, in the case on hand, the alleged misrepresentation is with regard to who had lodged the earlier complaint and that the alleged suppression of fact regarding miscarriage.

5. Insofar as the allegation relating to the miscarriage is concerned, admittedly, the petitioner had taken tablets on the instructions of the Doctor and, thereafter, the miscarriage occurred. Every medical treatment is intrinsically associated with certain risks and, in the present case, unfortunately, the petitioner suffered a miscarriage. Therefore, the same cannot, by itself, be termed as a material misrepresentation before this Court. As regards the earlier



complaint, even assuming that the said fact had been referred to this Court, this Court is of the firm view that such reference cannot be termed as a material misrepresentation so as to have affected the outcome of the anticipatory bail application. While considering the anticipatory bail application, this Court had considered the entire materials in extenso and ultimately granted anticipatory bail.

6. The reasons assigned by the learned Senior Counsel, though appear to have some significance, are not sufficient to cancel the anticipatory bail already granted by the learned Principal Sessions Judge, Chennai, on 15.12.2025. At this juncture, it is also relevant to note that, subsequent to the grant of anticipatory bail, the investigation has been completed and the charge sheet has also been taken on file. Hence, at this length of time, this Court could not find any reason to cancel the anticipatory bail.

7. Accordingly, this Criminal Original Petition stands dismissed. It is made clear that, if any observations have been made in this order, the Trial Court shall proceed with the trial uninfluenced by any of the observations made by this Court.

24-06-2026

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To

1. The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai.
2. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN J.

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