



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Sixth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.1756 of 2016

IN

CRL OP(MD) No.24462 of 2015

M. HARIHARSUDHAN

... PETITIONER/DEFACTO
COMPLAINANT

Vs

1 R. KARMEGAM

... 1st RESPONDENT/PETITIONER/
SOLE ACCUSED

2 STATE REPRESENTED BY

THE SUB INSPECTOR OF POLICE,
C3, S.S COLONY POLICE STATION,
MADURAI,
CR NO.681 OF 2015.

... 2nd RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the Anticipatory Bail granted to the 1st Respondent /Accused in Crime NO.681/2015 Crl. O. P. (MD) NO. 24462 of 2015 dated 21.12.2015 and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.S.SURESH KUMAR, Advocate for the petitioner and of MR.A.P.BALASUBRAMANI, Government Advocate (Crl.side) for R2, the court made the following order:-

The petitioner / defacto complainant has filed this criminal miscellaneous petition seeking cancellation of anticipatory bail granted to the first respondent / accused, by this Court vide Order, dated 21.12.2015, in Crl.O.P.(MD) No.24462 of 2015.

2. Heard Mr.S.Suresh Kumar, learned counsel for appearing for the petitioner / de facto complainant and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the second respondent State.

3. It is seen that the first respondent / accused was granted anticipatory bail, by this Court, vide Order, dated 21.12.2015, in Crl.O.P.(MD) No.24462 of 2015, on condition that he should execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai, within a period of fifteen days from the date of a copy of the order. There was also another condition, which reads as follows:



"[d]. the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.681 of 2015, before the learned Judicial Magistrate No.V, Madurai, on or before 05.01.2016. In turn, the learned Magistrate shall deposit the said amount in any one of the Nationalized Bank under recurring deposit scheme, renewable every year."

WEB COPY

4. Thereafter, the first respondent / accused filed a criminal miscellaneous petition, in CrI.M.P.(MD) No.271 of 2016, for modification of the condition imposed on him to deposit the sum of Rs.1,00,000/-, which was allowed by this Court with a direction to the first respondent / accused to deposit the sum of Rs.1,00,000/- in two installments. This order was passed on 19.01.2016.

5. It is the contention of the petitioner / de facto complainant that the first respondent / accused had furnished sureties fifteen days after the receipt of the copy of the Order, dated 21.12.2015, in CrI.O.P.(MD) No.24462 of 2015. It is his further contention that the first respondent / accused did not seek extension of time.

6. In the considered opinion of this Court, these allegations are too trivial for this Court to intervene and cancel the anticipatory bail granted to the first respondent / accused earlier. As stated above, by Order dated 19.01.2016, this Court has modified the earlier order and permitted the first respondent / accused to deposit the sum of Rs.1,00,000/- in two installments and therefore the Magistrate, who accepted the surety, has entertained the surety application filed by the first respondent / accused within fifteen days from 19.01.2016. Under such circumstances, this is not a fit case to cancel the anticipatory bail granted to the first respondent / accused.

7. In the result, the criminal miscellaneous petition fails and it is dismissed.

sd/-
26/02/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI
3. THE SUB INSPECTOR OF POLICE,
C3, S.S COLONY POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- + 1 CC TO MR.M.S.SURESH KUMAR, ADVOCATE IN SR NO. 11366
+ 2 CC TO MR.N.SUNDARESAN, ADVOCATE IN SR NO. 11107

ORDER IN
CRL MP(MD) No.1756 of 2016
IN
CRL OP(MD) No.24462 of 2015
Date :26/02/2016