



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

Friday, the Fifteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL MP(MD) No.3164 of 2016

IN

CRL OP(MD) No.16601 of 2015

V.GURUSAMY

... PETITIONER/DEFACTO COMPLAINANT.

Vs

1 S.SUBBIAH

2 R.SANKARA NARAYANAN

... RESPONDENTS 1 &2/PETITIONERS/
ACCUSED NO. 1 & 2

3 STATE REP.BY

THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
TIRUNELVELI.

CR. NO.217/2015

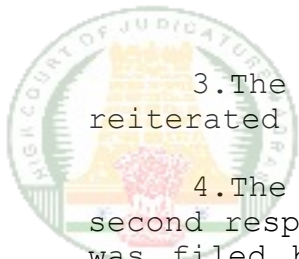
...3rd RESPONDENT/RESPONDENT/
COMPLAINANT.

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 accused No.2/2nd respondent in Crl.O.P. (MD). No.16601 of 2015 dated 31.8.2015 on the file of this Honourable High Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S S.ARIVALAGAN, Advocate for the petitioner and of M/S.AR.JEYARHUTHRAN, Advocate for the 1st Respondent and of M/S.S.KARTHIK, Advocate for the 2nd respondent and of MR.P.KANNITHEVAN, Government Advocate, on behalf of the 3rd Respondent, the court made the following order:-

This petition has been filed praying to cancel the anticipatory bail granted in favour of the second respondent by this Court, vide order dated 31.08.2015, made in Crl.O.P(MD)No.16601 of 2015.

2.The respondents 1 and 2, who are arrayed as accused Nos.1 and 2, apprehended arrest at the hands of the respondent police for the offences punishable under Sections 147, 427, 506(i), 468 and 471 IPC, in Crime No.217 of 2016, on the file of the third respondent police and they filed Crl.O.P(MD)No.16601 of 2015 for anticipatory bail and this Court after considering the case of the respondents 1 and 2/petitioners in Crl.O.P (MD)No.16601 of 2015, granted anticipatory bail to them, vide order dated 31.08.2015. Now the petitioner herein, who is the de facto complainant, has come up with the present petition for cancellation of anticipatory bail granted to the second respondent/A.2 on the ground that the second respondent did not execute surety and did not comply with the condition



3.The learned counsel for the petitioner/de facto complainant has reiterated the averments made in the petition.

4.The learned counsel for the second respondent submitted that the second respondent has not filed any petition for anticipatory bail and it was filed by the first respondent and the same was not communicated to the second respondent and therefore he has not executed surety and complied with the condition.

5.The learned Government Advocate (Criminal side) submitted that the second respondent has not complied with the condition.

6.Heard the rival submissions.

7.Considering the facts and circumstances of the case and also considering the fact that the second respondent has not complied with the condition and the submission of the learned counsel for the second respondent that the second respondent did not file any petition for anticipatory bail, the anticipatory bail granted in favour of the second respondent alone, by this Court vide order dated 31.08.2015, made in Crl.O.P(MD)No.16601 of 2015, stands cancelled. This petition is allowed accordingly.

sd/-
15/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
TIRUNELVELI.

+1. C.C. to M/S S.ARIVALAGAN Advocate SR.No. 36772.
+1CC to M/S.S.Karthik, Advocate, SR.No. 36787.

ORDER
IN
CRL MP(MD) No.3164 of 2016
IN
CRL OP(MD) No.16601 of 2015
Date :15/07/2016