



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

Monday, the Twelfth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.20214 of 2016

NADIYA

... PETITIONER / DEFACTO COMPLAINANT

Vs

1 PALANIAMMAL
2 SANTHI
3 SANTHANAM
4 GURUVU
5 PANDI

...RESPONDENTS 1 TO 5/ACCUSED 2 TO 6

6 THE STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODINAICKANOOR, THENI DISTRICT.
CRIME NO.08 OF 2016

... 6th RESPONDENT/1st RESPONDENT

Criminal Original Petition is filed Under Section 439(ii) of Criminal Procedure Code, to cancel the anticipatory bail granted by the learned Principal District and Sessions Judge, Theni in Crl.MP.No.1910 of 2016 dated 02.09.2016 to the respondents 1 to 5 / accused 2 to 6 in Crime No. 8 of 2016 on the file of the 6th respondent police and pass such other orders.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.KARUPPASAMY PANDIAN, Advocate for the petitioner and of MR.T.A.EBENEZER, Advocate for R1 to R5 and of MR.A.RAMAR, Additional Public Prosecutor for 6th respondent, the Court made the following order:-

The petitioner, who is the defacto complainant in crime No.8 of 2016 on the file of the respondent police has come forward with the present petition for cancellation of anticipatory bail granted to the respondents 1 to 5/A2 to A6 in Crl.M.P.No.1910 of 2016 on the file of the Principal Sessions Judge, Theni.

2.This Court, vide order dated 29.08.2016 made in Crl.O.P.(MD) No.15780 of 2016, has granted interim anticipatory bail to the respondents 1 to 5/A2 to A6, when the petition enquiry was pending, stating that if case has been registered against the petitioners therein, the interim order would become infructuous and the petitioners could apply for fresh anticipatory bail. Subsequently,



the respondents 1 to 5/A2 to A6 have gone before the lower Court and filed fresh anticipatory bail application and obtained an order of anticipatory bail. Aggrieved against the said order, the present petitioner has come forward with the application for cancellation of anticipatory bail, stating that when the anticipatory bail petition is pending before the High Court, the respondents 1 to 5/A2 to A6 obtained an order of anticipatory bail.

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3. On a perusal of the records, it is seen that when the matter came up before this Court, the learned Government Advocate (criminal) has not brought to the knowledge of this Court that first information report has been registered against the respondents 1 to 5/A2 to A6 and even this Court has specifically stated that if the regular first information report is registered, the petitioners can move for fresh anticipatory bail and that petition would automatically become infructuous.

4. Considering the above facts and circumstances of this Court, I am of the view that the petitioner has rightly approached the lower Court for fresh anticipatory bail and this Court does not find any reason to interfere with the order passed by the trial Court.

5. Accordingly, this criminal original petition is dismissed.

sd/-

12/06/2017

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

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, THENI.
- 2 THE SUB INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
BODINAICKANOOR, THENI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.AEBENEZER, Advocate SR.No.23939

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CSL/BS/SAR-III/14.06.2017 : 2P/5C

ORDER

IN

CRL OP(MD) No.20214 of 2016

Date :12/06/2017