



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

Monday, the Sixteenth day of April Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP (MD) No.1089 of 2018
IN
CRL OP (MD) No.12387 of 2017

P.THARANI

... PETITIONER/
DEFACTO COMPLAINANT

Vs

1 STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AUNDIPATTI, THENI DISTRICT.
(CRIME NO.15/2017)

... 1st RESPONDENT/
COMPLAINANT

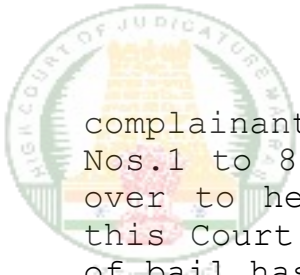
2 S.ALEXANDER
3 M.SOLOMON JOHN BOSCO
4 B.CHANDRA PRABA
5 M.SINGAM @ SINGARAJ

... RESPONDENTS/ACCUSED

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 order passed in CrI.O.P.(MD).No. 12387 of 2017 dated 05.10.2017 by this Honourable 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.SIVAKUMAR, Advocate for the petitioner and of M/S.A.ROBINSON, Government Advocate (CrI.Side) for R1, and MR.T.K.GOPALAN, Advocate for R2, the court made the following order:-

The petitioner in the CrI.M.P.(MD)No.1089 of 2018 is the defacto complainant. The case was registered against the accused persons in Crime No.15 of 2017 on the file of the Inspector of Police, Aundipatti, Theni District and they moved this Court and obtained anticipatory bail in CrI.O.P.(MD)No.12387 of 2017. While granting anticipatory bail to the accused persons, this Court directed the first accused to return all the belongings of the defacto complainant to her. The specific grievance of the defacto



complainant is that her certificates which have been listed as item Nos.1 to 8 at page No.8 of the typed set of papers were not handed over to her. Therefore, contending that the condition imposed by this Court was not complied with, this application for cancellation of bail has been filed.

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2. When the matter was taken up for hearing, the learned counsel for the respondent / accused persons submitted that the documents in question are not really with the first accused and that a false claim has been projected. It is further submitted that the petitioner had actually handed them over to her erstwhile employer.

3. The learned counsel for the petitioner / defacto complainant submitted that she is presently working in AXL Technologies, Chennai and that they are insisting the production of the said certificates.

4. Since there is no proof to show that the certificates are actually in custody of the accused and that they are refusing to return them, this Court has to necessarily dismiss this application for cancellation of anticipatory bail. However, it is open to the defacto complainant to apply for duplicate certificates / documents, including passport. This order copy can be cited before the concerned authority for obtaining such duplicate documents / certificates. The concerned authorities are directed to take an affidavit and indemnity bond from the defacto complainant and issue duplicate certificates.

5. Accordingly, this petition for cancellation of anticipatory bail is disposed of.

sd/-
16/04/2018

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
AUNDIPATTI, THENI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, AUNDIPATTI,
THENI DISTRICT.



4 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.S.SIVAKUMAR, Advocate SR.No.6245
+1. C.C. to M/S.T.K.GOPALAN, Advocate SR.No.6492

ORDER
IN
CRL MP (MD) No.1089 of 2018
IN
CRL OP (MD) No.12387 of 2017
Date :16/04/2018

PK/CSL/VK/20.04.2018 : 3P/8C