



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

Thursday, the First day of February Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL MP(MD) No.145 of 2018**

**INJ**

**CRL OP(MD) No.16920 of 2017**

PETCHIAMMAL

... INTERVINE PETITIONER/  
DEFACTO COMPLAINANT

Vs

1 KATHIRAVAN

2 THE STATE REP.BY,  
THE SUB INSPECTOR OF POLICE,  
RAJAPALAYAM NORTH POLICE STATION,  
RAJAPALAYAM,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO.739/2017

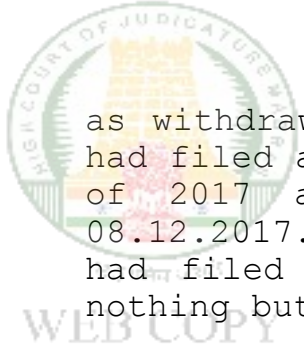
... RESPONDENT/COMPLAINANT

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 which was granted to the petitioner/Accused in Crl.O.P.No.16920/2017 dated 08/12/2017 by this Honorable Court.

**Order :** This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.LAJAPATHI ROY, Advocate for the petitioner and of M/S.M.JOTHIBASU for M/S.G.MARIMUTHU, Advocate for R1 and M/S.A.ROBINSON, Government Advocate (Crl.Side) for R2, the court made the following order:-

The petitioner herein is the defacto complainant in Crime No.739 of 2017. The first respondent herein is the accused in the above said case. This Court, on 08.12.2017 in Crl.O.P.(MD)No.16920 of 2017 granted anticipatory bail to the first respondent herein. Now, the petitioner has filed this application seeking relief to cancel the anticipatory bail granted to the first respondent.

<https://hcservices.ecourts.gov.in/hcservices> 2 The only contention raised by the petitioner is that the first respondent has already filed a petition in Crl.O.P.(MD) No.15073 of 2017, for anticipatory bail and the same was dismissed



as withdrawn vide order dated 27.11.2017. On the very same day, he had filed another anticipatory bail petition in CrI.O.P.(MD)No.16920 of 2017 and this Court granted anticipatory bail to him on 08.12.2017. So, without any subsequent changes, the first respondent had filed the said petition and the same was allowed, which is nothing but erroneous in law.

3. On the other hand the learned counsel appearing for the first respondent submitted that at the time of granting anticipatory bail, this Court directed the petitioner to deposit a sum of Rs.16,000/- for the damages caused during the time of occurrence. So, this Court after carefully considering all aspects, granted anticipatory bail to the first respondent, which is nothing against the provision of law.

On going through the order passed in CrI.O.P.(MD)No.16920 of 2017, dated 08.12.2017, it is seen that this Court directed the first respondent to deposit a sum of Rs.16,000/-. It is alleged that during the time of occurrence, the petitioner, due to dispute over the tenancy, filing the suit in O.S.No.328 of 2010 before the Sub Court, Srivilliputhur. After filing the suit, the first respondent, damaged the property which belongs to the petitioner and abused her in filthy language and also threatened her with dire consequences. So, only after considering the value of the damage caused by the first respondent, this Court granted anticipatory bail to the first respondent. As of now, investigation is completed and the first respondent is not having any bad antecedents.

4. In the above circumstances, cancelling the anticipatory bail granted is not justifiable.

5. Accordingly, for the reasons stated above, this Court is not inclined to cancel the anticipatory bail granted to the first respondent in CrI.O.P.(MD)No.16920 of 2017, dated 08.12.2017. Hence, this Criminal Miscellaneous Petition is dismissed.

sd/-

01/02/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3 THE INSPECTOR OF POLICE,  
RAJAPALAYAM NORTH POLICE STATION,  
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

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

+1. C.C. to M/S.T.LAJAPATHI ROY, Advocate SR.No.1803  
+1. C.C. to M/S.M.JOTHI BASU, Advocate SR.No.1790

ORDER  
IN  
CRL MP (MD) No.145 of 2018  
IN  
CRL OP (MD) No.16920 of 2017  
Date :01/02/2018

PK/RR-CSL/SAR-1/15.02.2018 : 3P/7C