



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

Monday, the Eighteenth day of June Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL MP(MD) Nos.4346 and 4347 of 2018

IN

CRL OP(MD) Nos.6967 and 6997 of 2018

CRL MP(MD) No.4346 of 2018 IN CRL OP(MD) No.6967 of 2018:

INDIRAN

... PETITIONER/PETITIONER/
DEFACTO COMPLAINANT/COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE,
THATTAPARAI TOWN POLICE STATION,
THOOTHUKUDI DISTRICT

...1st RESPONDENT/1st RESPONDENT/
COMPLAINANT

2 ANDA PRAKASH
3 JEYASEELAN
4 THANGADURAI
5 ANTONY RAJ
6 KULANTHAI VELU
7 RAJENDRAN
8 RAJAMANI
9 MUTHUKRISHNAN
10 PUSBHA LATHA
11 MICHEAL AMMAL
12 JEYAPRAKASHI
13 PITCHAIKANI
14 SELVAM

...RESPONDENTS 2 to 14/RESPONDENTS 2 to 14
PETITIONERS/ACCUSED No.1 to 9 & 11 to 14

CRL MP(MD) No.4347 of 2018 IN CRL OP(MD) No.6997 of 2018:

POOMIRAJAPERUMAL

...PETITIONER/PETITIONER/
DEFACTO COMPLAINANT/COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE
THATTAPARAI TOWN POLICE STATION,
THOOTHUKUDI DISTRICT.

...1st RESPONDENT/1st RESPONDENT/
1st RESPONDENT COMPLAINANT



4 ANDA PRAKASH
5 DEVASAHAYAM
6 ANTONY DAVID
7 JEYASEELAN

...RESPONDENTS 2 to 7/RESPONDENTS 2 to 7 /
PETITIONERS/ACCUSED No.1 to 3 & A5 to A7

CRL MP(MD) No.4346 of 2018 IN CRL OP(MD) No.6967 of 2018:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail relating to the order dated 28/04/2018 made in Crl.O.P.No.6967 of 2018 on the file of this Honourable Court, Madurai granted to the respondents 2 to 14 /Accused No.1 to 9 & 11 to 14.

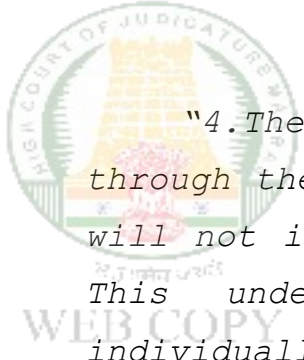
CRL MP(MD) No.4347 of 2018 IN CRL OP(MD) No.6997 of 2018:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail relating to the order dated 28/04/2018 made in Crl.O.P.No.6997 of 2018 on the file of this Honourable Court, Madurai granted to the respondents 2 to 7 /Accused No.1 to 3 & 5 to 7.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.AJMAL KHAN, Senior counsel for M/S.AJMAL ASSOCIATES, Advocate for the petitioner in both the petitions and of MR.A.ROBINSON, Government Advocate (Crl.side) for R1 in both the petitions and MR.D.ANBARASU, Advocate for R2 to R14 in CRL MP(MD) No.4346 of 2018 IN CRL OP(MD) No.6967 of 2018 and R2 to R7 in CRL MP(MD) No.4347 of 2018 IN CRL OP(MD) No.6997 of 2018, the court made the following order:-

These Criminal Miscellaneous Petitions have been filed to cancel the anticipatory bail granted in Crl.O.P(MD).Nos.6967 and 6997 of 2018, dated 28.04.2018.

2.The petitioners in the main criminal original petitions apprehended arrest at the hands of the Inspector of Police, Thattaparai Police Station, Thoothukudi District. This Court by order dated 28.04.2018 granted anticipatory bail in the following



"4.The petitioners in both the criminal original petitions through their learned counsel undertake before this Court that they will not interfere with the activities of the defacto complainant. This undertaking is recorded. The petitioners shall also individually file appropriate affidavits before the learned Jurisdictional Magistrate.

5.Recording this undertaking, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the judicial Magistrate Court No.I, Thoothukudi, Thoothukudi District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two common sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously" .

3.To cancel the said order, two miscellaneous petitions have been moved. Shri.Ajmalkhan, learned Senior Counsel appearing for the petitioners herein submitted that the petitioners in the main Criminal Original Petitions have not executed such affidavit as undertaken before this Court. He also submitted that they have indulged in offence of similar nature and Ms.Chandraprabha, the law officer of the defacto complainant had lodged a complaint against the petitioners in the main criminal original petitions. The case was registered in Crime Nos.54 and 60 of 2018.

4.The learned counsel for the petitioners, who appeared in the main Criminal Original Petitions is present before this Court. He would make a submission that the petitioners have not even bothered



5. Taking note of the conduct of the petitioners in the main criminal original petitions, this Court is inclined to cancel the order dated 28.04.2018 in CrI.O.P(MD).Nos.6967 and 6997 of 2018. Accordingly it is cancelled. In fact, such an express order is not necessary because in paragraph-6, it is made clear that if they do not comply with the order, the anticipatory bail petition would stand automatically dismissed. In any event, this formal application for cancellation of anticipatory bail has been moved. This Court is of the view that both Criminal Miscellaneous Petitions deserve to be allowed. Accordingly, the Criminal Miscellaneous Petitions are allowed.

sd/-
18/06/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI,
THOOTHUKUDI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THATTAPARAI TOWN POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.D.ANBARASU, Advocate SR.No.10891

+2 CC TO M/S.AJMAL ASSOCIATES SR.Nos.68555, 68556

ORDER
IN
CRL MP(MD) Nos.4346
and 4347 of 2018
IN
CRL OP(MD) Nos.6967 and
6997 of 2018
Date :18/06/2018