



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Tuesday, the Twenty Fifth day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL MP (MD) No.6959 of 2018

IN

CRL OP (MD) No.6792 of 2018

MANIVEL AMMAL

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE SUPERINTENDENT OF POLICE,  
OFFICE OF THE SUPERINTENDENT OF POLICE,  
SIVAGANGAI DISTRICT.

... 1st RESPONDENT/COMPLAINANT/  
COMPLAINANT

2 THE INSPECTOR OF POLICE,  
SIVAGANGAI TOWN POLICE STATION,  
SIVAGANGAI Taluk,  
SIVAGANGAI DISTRICT.  
(IN CR NO. 659 OF 2016)

... 2nd RESPONDENT/COMPLAINANT  
COMPLAINANT

3 V.SEKAR

... 3rd RESPONDENT/PETITIONER/  
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 by this Honourable Court in Crl.O.P(MD).No.6792/2018 dated 26/06/2018 in connection with Crime NO.659/2016 on the file of the 2nd respondent police.

ORDER : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.P.MEENAKSHI SUNDARAM, Advocate for the petitioner and of MR.M.ASOKAN, Government Advocate (Crl.Side) for R1 & R2 and MR.S.BALAJI, Advocate for R3, the court made the following order:-

The accused in Crime No.659 of 2016 on the file of the learned Judicial Magistrate No.1, Sivagangai, Sivangangai District was granted anticipatory bail by this Court and he cancelled the same. Then, the de-facto complainant filed Crl M.P.(MD) No.6959 of 2018.

2. Learned counsel appearing for the de-facto complainant pointed out that, the earlier petition filed by the accused was



disposed of, with certain conditions, which were not met by the accused. The accused is therefore not entitled to any indulgence at the hands of this Court.

3. This Court finds considerable force in the submissions made by the learned counsel appearing for the de-facto complainant. But then, this Court is of the view that the order granting anticipatory bail does not call for any cancellation. This Court came to such a conclusion because the learned counsel appearing for the accused, on instructions from V.Sekar, accused in this case, has agreed for the withdrawal of Rs.2,00,000/- (Rupees Two lakhs only) deposited by him.

4. Therefore, this Court disposes of the Crl M.P.(MD) No.6959 of 2018 by permitting (i) Manivelammal, (ii) Kulanthairasu @ Kulanthaisamy and (iii) Arulmary to withdraw the said amount of Rs.2,00,000/- (Rupees Two lakhs only) in three equal shares. Of course, the accused will be entitled to proceed against these three persons for refund, in the event of the criminal proceedings ending in his favour.

5. Likewise, if there is compromise between the parties, this amount will be given due credit. With this permission, this Crl.M.P. (MD).No.6959 of 2018 is disposed of. Meanwhile, the respondent police officials are directed to file the final report within a period of three months from the date of receipt of a copy of this order.

sd/-  
25/09/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,  
SIVAGANGAI, SIVAGANGAI DISTRICT.

2 -DO- THROUGH THE CHIEF  
JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT OF POLICE,  
OFFICE OF THE SUPERINTENDENT OF POLICE,  
SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,  
SIVAGANGAI TOWN POLICE STATION,  
SIVAGANGAI, SIVAGANGAI DISTRICT.



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

+1. C.C. to M/S. M. ELIZABETH GEETHA Advocate SR.No.18321  
+1. C.C. to M/S.S.BALAJI, Advocate SR.No. 18280

ORDER  
IN  
CRL MP (MD) No.6959 of 2018  
IN  
CRL OP (MD) No.6792 of 2018  
Date :25/09/2018

JM/VR MMS/SAR 4/26.09.2018/3P/8C