



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

Tuesday, the Twenty Third day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL MP (MD) No.2381 of 2019

IN

CRL OP (MD) No.2120 of 2019

KANAMMAL

... PETITIONER/DEFACTO COMPLAINANT

Vs

1.STATE REP.BY

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI,
PUDUKOTTAI DISTRICT.

...1st RESPONDENT/RESPONDENT

2.ALAGU

..2nd RESPONDENT/PETITIONER

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 granted by this Honourable Court in Crl.OP(MD)No.2120 of 2019 on 11.02.2019.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr. S. POORNACHANDRAN, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl. Side) for R1, and Mr.K.BAALASUNDHARAM, Advocate for R2, the court made the following order:-

This petition has been filed to cancel the anticipatory bail granted by the Court in Crl.O.P(MD)No.2120 of 2019 dated 11.02.2019.

2. The petitioner/defacto complainant is the wife of A1. She made a complaint as if her husband had a illegal intimacy with A2, for which, the Law Enforcing Agency registered a case against the accused for the offence under Sections 294 (b), 506 (i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.1 of 2019. After considering the entire facts, this Court granted anticipatory bail to the petitioner in Crl.OP(MD) No.2120 of 2019 dated 11.02.2019. Against which, the defacto complainant/wife filed this cancellation of anticipatory bail petition.

3. The learned counsel for the petitioner would submit that already the respondent/accused filed a bail application before the learned Principal Sessions Judge, Pudukkottai and the same was dismissed. However, the respondent/accused suppressed the



dismissal order of the learned Principal Sessions Judge, Pudukkottai and obtained the anticipatory bail from this Court.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner did not comply any condition imposed by the Court below. Hence, his anticipatory bail petition was dismissed. Suppressing this fact, the accused/second respondent filed an another anticipatory bail petition before this Court.

5. The reasons stated by the learned counsel for the petitioner are not sufficient to cancel the anticipatory bail granted by this Court. There is no substantial ground available for cancelling the anticipatory bail application. Unless the respondent violates the conditions imposed on him, the anticipatory bail already granted could not be cancelled.

6. Hence, the application filed by the petitioner herein seeking to cancel the anticipatory bail granted by this Court to the respondent is dismissed. However, the petitioner shall work out her remedy in the manner known to law.

sd/-
23/04/2019

/ TRUE COPY /

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

TO

- 1.THE PRINCIPAL SESSIONS JUDGE, PUDUKKOTTAI.
- 2.THE JUDICIAL MAGISTRATE NO I, PUDUKKOTTAI.
- 3.THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
- 4.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI, PUDUKOTTAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. C.C. to Mr.S.POORNACHANDRAN Advocate SR.No.62198
+1. C.C. to Mr.K.BAALASUNDHARAM Advocate SR.No.7128

ORDER IN
CRL MP(MD) No.2381 of 2019 IN
CRL OP(MD) No.2120 of 2019
Date :23/04/2019

TK/PN/SAR-3/10.05.2019/2P/8C