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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2019

PRESENT

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

CRL OP(MD). No.10210 of 2019

and

CrI MP(MD)No.6665 of 2019

1. Kannan @ Karuppasamy

2. Kanagamani ... Petitioners/Accused No.7 and
Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
ALGSC Police Station,
Thoothukudi District
(Crime No.17 of 2019).

... Respondent/Complainant

For Petitioner : M/s.V.Malaiyendran,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (CrI.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For anticipatory bail in Crime No.17 of 2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioners herein seek anticipatory bail as they apprehend
arrest at the hands of the respondent police for the offences 120 B,
419, 423, 465, 468, 471, 109 and 420 IPC. They seek anticipatory
bail.

2.Heard the learned counsel for the petitioners and the learned
Government Advocate (crl.side) for the respondent police.

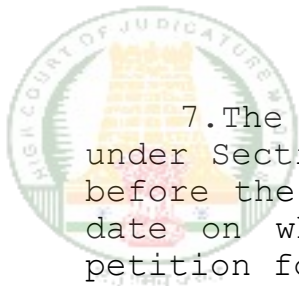


3.The case of the defacto complainant is that the property belongs to Late.T.V.Ramasubbu Iyer, the founder of Dinamalar Daily. The defacto complainant is his grandson. A1 is a name sake of the defacto complainant. Taking advantage of the same, he committed impersonation and sold the property in question in favor of A2. The first petitioner Kannan is said to be the brain behind the entire crime. The second petitioner herein does not appear to have played any major role in the matter. Therefore, this Court is inclined to grant anticipatory bail to the second petitioner Kanagamani.

4.Even before the case could be taken up for hearing, the learned counsel for the petitioners wanted to withdraw this petition. It was the learned Government Counsel who informed this Court that the reason for withdrawal was that the first petitioner Kannan has since obtained relief before the Principal Sessions Judge, Thoothukudi. This Court therefore refused permission to the counsel to withdraw this O.P. It is seen that this petition was filed on 12.07.2019. During the pendency of this petition, the first petitioner Kannan @ Karuppasamy is said to have filed Cr.MP.No.3470 of 2019 before the Principal Sessions Judge, Thoothukudi and obtained an order there. I fail to understand as to how the first petitioner could have parallely moved the Principal Sessions Court, Thoothukudi even during the pendency of his petition for anticipatory bail before this Court.

5.The act committed by the first petitioner herein is clearly illegal and abuse of legal process. Therefore, the respondent herein is directed to file an application for cancellation of anticipatory bail granted to the first petitioner herein on 06.08.2019 in Cr.MP.No.3470 of 2019. The learned Principal Sessions Judge, Thoothukudi is directed to allow the said application and cancel the anticipatory bail given to the first petitioner herein. The learned Principal Sessions Judge, Thoothukudi shall submit a compliance report to the Registry.

6.With this direction, this criminal original petition stands dismissed as far as the first petitioner is concerned and stands allowed as far as the second petitioner is concerned. Accordingly, the second petitioner herein is ordered to be released on bail in the event of arrest or on his appearance before the learned Anti Land Grabbing Special Magistrate Court, Tuticorin and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the as and when required for interrogation.



7.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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/ TRUE COPY /

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

TO

1. THE PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI.
 - 2 THE JUDGE,
ANTI LAND GRABBING SPECIAL MAGISTRATE COURT,
TUTICORIN.
 - 3 THE INSPECTOR OF POLICE
ALGSC POLICE STATION,
THOOTHUKUDI DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.14692
+1 CC to M/s.V.M.JEGADEESH PANDIAN, Advocate SR.NO.14731

ORDER
IN
CRL OP(MD) No.10210 of 2019
AND CRL.MP(MD)No.6665 OF 2019
Date :03/09/2019

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ES/PN/SAR 2/12.09.2019/3P/7C