



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

Date : 10/02/2020

WEB COPY

PRESENT

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

CRL MP(MD). No.827 of 2020
in
CRL OP(MD). No.12914 of 2019

S.K.SIRAJUTHEEN ... PETITIONER/ DEFACTO COMPLAINANT

VS

1. S.SALEEMRAJA ... RESPONDENT/PETITIONER

2. STATE REP. BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH POLICE STATION,
MADURAI DISTRICT
(CRIME NO.6/2019.) ... 2ND RESPONDENT/ COMPLAINANT

For Petitioner : M/s.D.Balamurugapandi,
Advocate.
For R-2 : Mr.A.Robinson,
Government Advocate (Crl.Side)
For R-1 : Mr.S.Poornachandran

PETITION FOR CANCELLATION OF ANTICIPATORY BAIL Under Sec.438(2)
R/W.482 of Cr.P.C.

PRAYER :-

To cancel the anticipatory bail granted in Crl.O.P.(MD)No.12914
of 2019 on the file of this Court, dated 19/09/2019 in Crime No.6 of
2019, on the file of the 2nd respondent police.

ORDER : The Court Made the following order :-

The first respondent herein filed Crl.O.P.(MD)No.12914 of 2019
and obtained an order of anticipatory bail before this Court. This
Court granted him relief in view of the undertaking given by him
before this Court which was recorded as follows:-

"3. The petitioner had received a sum of Rs.9,85,000/- from the
defendant, on the promise that he would convey his house
<https://hccasecourts.gov.in/home/services>



property. But after receiving the said amount from the defacto complainant, the petitioner had sold the property to a third party, which led to the registration of the present First Information Report. The petitioner's counsel states that the defacto complainant is none other than his own brother-in-law. The petitioner has filed an Insolvency petition. Therefore, the petitioner would arrange from a third party source and settle the claim of the defacto complainant. He only seeks time. The petitioner's counsel states that within a period of ten weeks, the claim of the defacto complainant will be settled. It is made clear that if the undertaking is breached, it is open to the defacto complainant to move this Court for cancelling this petition."

2. The defacto complainant states that the undertaking given before this Court was not complied with. In as much as the undertaking has not been complied with, there is no other option but to cancel the anticipatory bail granted to first respondent.

3. Hence, the anticipatory bail granted earlier to S.Saleemraja/first respondent herein, in Crl.O.P.(MD)No.12914 of 2019, dated 19.09.2019, stands cancelled. This petition stands allowed, accordingly.

sd/-
10/02/2020

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/ /2020

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, MADURAI
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER
IN
CRL MP (MD) No.827 of 2020
IN
CRL OP (MD) No.12914 of 2019
Date :10/02/2020

PMU

<https://hcmvcs.evgs.gov.in/hcmvcs> 2020/2P/5C