



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

Date : 12/06/2020

PRESENT

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

CRL MP (MD) . No.3004 of 2020
in
CRL OP (MD) . No.12822 of 2019

Kaleeswari ... Petitioner/Intervener/
Defacto Complainant
Vs

1. Ukkirapandian ... 1st Respondent/Petitioner/
Accused No.1

2.The State rep.by
The Inspector of Police,
All Women Police Station, Aruppukottai
Virudhunagar District. Cr.No.5 of 2019..
... 2nd Respondent/Complainant

For Petitioner : M/s.G.Mariappan,
Advocate.

For R-2 : Mr.A.Robinson,
Government Advocate (Crl.Side)

PETITION FOR DIRECTION Under Sec.439(2) AND 482 of Cr.P.C

PRAYER :-

To issue appropriate direction to the 2nd respondent/complainant to secure the above 1st respondent/accused No.1 and remand him to judicial custody as per the order passed in Crl.O.P.(MD) . No.12822 of 2019 dt.17.9.2019.

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the second respondent.

2. The accused was granted anticipatory bail by this Court by recording his undertaking that he will deposit a sum of Rs.3,000/- as monthly maintenance to the defacto complainant. It was further stated that if the condition is breached, the order would stand cancelled.



maintenance to her since December 2019. The petitioner herein/complainant has therefore moved this Court for directing the police to secure the first respondent herein.

4. I am afraid that such prayer is misconceived. This Court has no power to direct the police to arrest the accused. This is a decision to be taken only by the investigation officer. But then, it is open to this Court to cancel the anticipatory bail earlier granted for breach of condition.

5. The petitioner's counsel categorically states that the papers have already been served on the counsel who appearing for the accused. The said counsel appeared on the earlier occasion.

6. Since it has been clearly established before me that the accused had not adhered to the undertaking given solemnly before this Court, I have no other option but to cancel the anticipatory bail earlier granted to the first respondent. This petition is disposed of on these terms.

sd/-
12/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 The Inspector of Police,
All Women Police Station, Aruppukottai,
Virudhunagar District.
- 2 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.3004 of 2020
IN
CRL OP(MD) No.12822 of 2019
Date :12/06/2020