



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

Monday, the Seventh day of December Two Thousand and Twenty

PRESENT

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

CRL MP(MD) No.5889 of 2020

IN

CRL OP(MD) No.3493 of 2018

RATHIDEVI

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 S.VADIVEL

2 PAPPA

... 1st AND 2nd RESPONDENTS/ACCUSED No.1 AND 2

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPATHUR,
SIVAGANGAI DISTRICT.
(CRIME NO.2/2018)

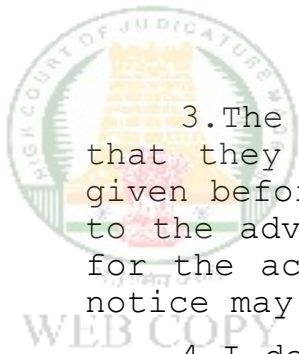
... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the anticipatory bail granted in favour of the first and second respondents /1st and 2nd accused in the above Crl.O.P.(MD)No.3493/2018 dated 27.7.2018.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.S.RAJESWARI, Advocate for the petitioner and of MR.B.JANATH AHMED, Advocate for 2nd Respondent, and MR.A.ROBINSON, Government Advocate(Crl.Side) on behalf of the 3rd Respondent, the Court made the following order:-

Heard the learned counsel appearing for the petitioner herein. The learned counsel, who appeared for the accused in the criminal original petition, wants to withdraw his appearance.

2.The petitioner is the wife of the first respondent herein. It is a matrimonial issue. The respondents 1 and 2 applied for anticipatory bail. This Court granted anticipatory bail by recording the undertaking of the accused that the first respondent will pay a sum of Rs.6,000/- as monthly maintenance. The first respondent is employed in a reputed Hospital in Coimbatore and is said to be earning more than Rs.50,000/-. For the last 11 months, the first respondent has not paid the maintenance amount to the petitioner herein. The accused cannot claim that due to Corona, he could not mobilize the said amount. In fact, during this period, Hospitals are doing good business. Therefore, the accused cannot cite Corona as a reason.



3.The learned counsel appearing for the accused also states that they had advised the accused to comply with the undertaking given before this Court. It appears that the accused has not heeded to the advise given by the Counsel. The learned counsel appearing for the accused would state that their withdrawal may be noted and notice may be issued to the accused.

4.I decline to do so. The learned counsel, who now appeared for the accused before this Court, had appeared in the main criminal original petition and represented the accused and got them relief. Therefore, the counsel cannot now state that they want to withdraw their appearance. In any event, there was a communication between the counsel and the accused after filing of this miscellaneous petition. I can note that the accused is playing a game of hide and seek with the Court. The non compliance of the undertaking given before this Court is also not disputed.

5.Therefore, I cancel the anticipatory bail granted to the first respondent herein namely Vadivel husband of the petitioner herein. The second respondent is only a mother-in-law. The direction to pay was only on the husband. Therefore, the anticipatory bail granted to the mother-in-law is not disturbed. The relief given to the first respondent alone is set aside. This Miscellaneous Petition is partly allowed on these terms. It is for the third respondent to take note of this development.

sd/-
07/12/2020

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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, THIRUPPATHUR.

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

3.THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
TIRUPATHUR, SIVAGANGAI DISTRICT.

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

+1. C.C. to M/S.A.S.RAJESWARI Advocate SR.No.24325(F)

ORDER IN
CRL MP(MD) No.5889 of 2020 IN
CRL OP(MD) No.3493 of 2018
Date :07/12/2020

RMI

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