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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) . No.7088 of 2020

in

Crl.O.P.(MD)No.10397 of 2020

P.Mathavi

... Petitioner/Intervener

Vs

1. B.Praveenkumar
2. N.Balamurugan
3. B.Valarmathi

... Respondents 1 to 3/
Petitioners

4. State Rep. by
The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.

... 4th Respondent/Respondent

For Petitioner : M/s.K.Ravi Anandha Padmanabhan,
Advocate.

For Respondents : Mr.S.Sankar, Advocate
for R1 to R3
Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)
for R4

PRAYER :-

To cancel the Anticipatory Bail granted to the 1st petitioner in Crl.O.P.(MD)No.10397 of 2020 commit him to custody.

ORDER : The Court made the following order :-

This petition has been filed to cancel the Anticipatory Bail granted to the 1st petitioner in Crl.O.P.(MD)No.10397 of 2020 commit him to custody.



2. The learned counsel for the petitioner / defacto complainant would submit that while granting anticipatory bail, this Court imposed specific condition that the first accused and the defacto complainant directed to appear before the Mediation and Conciliation Centre attached to this Bench, on 04.12.2020. Accordingly the accused Nos.1 to 3 have executed sureties and they were enlarged on bail. Thereafter, the first accused did not appear before the Mediation attached to this Bench on 04.12.2020. Therefore, the petitioner herein / defacto complainant come forward with this petition.

3. The learned counsel for the respondents 1 to 3/ accused would submit that due to COVID-19 pandemic situation, the first respondent could not be able to appear before the Mediation Centre attached to this Bench on 04.12.2020.

4. Heard both sides.

5. It is seen that while granting application for anticipatory bail in Crl.O.P.(MD)No.10397 of 2020, on 28.09.2020, this Court referred the matter before the Mediation Centre. Before the Mediation Centre, the first accused herein never appeared and as such the Mediation failed and referred back to this Court. On 24.11.2020, on merits, this Court considered the application for anticipatory bail and granted anticipatory bail to accused Nos.1 to 3, on condition that the first accused and the defacto complainant are directed to appear before the Mediation and Conciliation Centre attached to this Bench on 04.12.2020. If the first accused failed to appear before the Mediation and Conciliation Centre attached to this Bench, the anticipatory bail granted to the first accused shall stand automatically cancelled.

6. Accordingly, the accused Nos.1 to 3 / respondents 1 to 3 herein executed sureties and enlarged them on bail. Thereafter, the first accused failed to appear before the Mediation and Conciliation Centre, on 04.12.2020. It shows that the first accused wantonly and willfully disobeyed the conditions imposed by this Court. Therefore, the first respondent/ A1 is not entitled for anticipatory bail. In so far as the respondents 2 and 3 herein / accused Nos.2 and 3 are concerned, they have not violated any of the conditions imposed by this Court. Therefore, in so far as the first respondent herein / first accused is concerned, the anticipatory bail granted in Crl.O.P.(MD)No.10397 of 2020, dated 24.11.2020, is hereby cancelled.

7. It is made clear that while imposing the condition that the first accused and the defacto complainant shall appear before the Mediation and Conciliation Centre on 04.12.2020, the anticipatory bail granted to the first accused shall stand automatically cancelled.



8. Accordingly, this Criminal Miscellaneous Petition is allowed. The fourth respondent police is directed to secure the first accused / first respondent herein and proceed in accordance with law.

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16/12/2020

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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 JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.RAVI ANANDA PADMANABHAN, Advocate (SR-8293[I] dated 17/12/2020)

ORDER
IN
CRL MP(MD) No.7088 of 2020
IN
CRL OP(MD) No.10397 of 2020
Date :16/12/2020