



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

Tuesday, the Sixteenth day of June Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.10967 of 2019
IN
CRL OP(MD) No.6834 of 2019

RAMASAMY

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE,
WEST POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
CR No.169 OF 2019

... 1st RESPONDENT/COMPLAINANT

2 BARANI @ AVUDATHAI

... 2nd RESPONDENT/PETITIONER

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the anticipatory bail granted to the 2nd respondent herein in Crl.O.P.(MD) No.6834 of 2019, dated 08/05/2019

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.J.C.RATHINAVEL PANDIAN, Advocate for the petitioner and of Mr.V.NEELAKANDAN, Additional Public Prosecutor for 1st Respondent and M/s.S.MAHALAKSHMI, Advocate for 2nd Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to cancel the anticipatory bail granted to the 2nd respondent herein in Crl.OP(MD) No.6834 of 2019, dated 08.05.2019.

2.Heard the learned counsel appearing on either side and perused the entire materials available on record.

3.The main contention raised on the side of the petitioner/de-facto complainant is that since the 2nd respondent being a Government Employee having influence with the 1st respondent, has not complied with the order of this court properly and prays that the bail



already ordered may be cancelled, by allowing this Criminal Miscellaneous Petition.

4. On the other hand, the learned Additional Public Prosecutor appearing for the 1st respondent/State contended that the 2nd respondent has complied with the conditional order passed by this court properly and hence, it is not necessary to cancel the bail already granted and prays that this Criminal Miscellaneous Petition has to be dismissed. On the side of the 2nd respondent/Accused also, it is submitted that the 2nd respondent/Accused complied with the conditional order properly and prays that the Criminal Miscellaneous Petition has to be dismissed.

5. In this case, anticipatory bail was granted by this court on 08.05.2019 with condition that the 2nd respondent shall appear before the 1st respondent and sign daily at 10.30 am and 5.30 pm and thereafter, the 2nd respondent filed modification petition to modify the conditional order passed by this court and the conditional order was modified to the effect that the 2nd respondent shall appear before the 1st respondent and sign at 6.00 pm daily and then, the above condition was modified to the effect that the 2nd respondent shall appear before the 1st respondent and sign once in a month. The 2nd respondent has stated that she has regularly complied with the condition. But the petitioner stated that the 2nd respondent has not complied the condition properly. The above said fact was not raised by the petitioner at the time of filing of the modification petition by the 2nd respondent. Further, on the side of the 1st respondent, it is stated that the 2nd respondent is regularly complying with the condition.

6. The petitioner stated that he through the Right to Information Act sought clarification from the Headmaster of Government Girls Higher Secondary School, Kovilpatti about the 2nd respondent entry into the school premises and the time of her signature in the attendance and the time she left from the school and for which, the Headmaster replied that from 03.06.2019 to 06.07.2019, she entered the school at 8.50 am and she has not taken any leave and no permission was granted to her during the working hours of the school, but the first respondent stated that the 2nd respondent complying with the conditional order and hence, the statement of the Headmaster and the report of the first respondent are contradicting to each other and hence, it reveals that the 2nd respondent has not complied with the conditional order and prays that the bail already granted may be cancelled.

7. As per the RTI statement, from 03.06.2019 to 06.07.2019, the 2nd respondent attended the school and put her signature at 08.50 am and no permission was granted to her. But from the report of the first respondent, it reveals that she complied with the conditional order properly. It is needless to say that without getting



first respondent, the remedy open is that the school authorities only can take action against the 2nd respondent. Further, the above objection should be raised by the petitioner at the earliest point of time. At this stage, it is not necessary to cancel the bail granted by this court.

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8.The reasons stated in the petition are not acceptable. Hence, the argument put forth on the side of the petitioner stating that the 2nd respondent has not complied with the condition properly and prays that the bail already ordered may be cancelled is not at all acceptable.

9.Keeping in view of the above facts, this court is of the considered view that the petition filed by the petitioner has no merit and accordingly, it is liable to be dismissed and accordingly, this Criminal Miscellaneous Petition is **dismissed**.

sd/-
16/06/2020

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

TO

1. THE JUDICIAL MAGISTRATE No.II, KOVILPATTI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
WEST POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.10967 of 2019
IN
CRL OP (MD) No.6834 of 2019
Date :16/06/2020

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TE/VR/SAR-III : 01/07/2020 : 3P/5C

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