



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

Date : 20/01/2020

PRESENT

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

CRL OP(MD). No.18788 of 2019

V.B.Viniba ... Petitioner/Defacto Complainant

Vs

1.Subeer Shabu ... Respondent/Petitioner/
Accused No.1

2.The Inspector of Police,
All Women Police Station, Marthandam,
Kanyakumari District. ... Respondent/Respondent

For Petitioner : M/s.Ananth C.Rajesh, Advocate.

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

For R-1 : Mr.S.Palani Velayutham, Advocate.

PETITION FOR CANCELLATION OF ANTICIPATORY BAIL Under Sec.439(2) of
Cr.P.C.

PRAYER :-

To cancel the bail granted to the 1st respondent by the
Principal Sessions Judge, Kanyakumari District at Nagercoil in
Cr.M.P.No.3809 of 2019, interim bail dated 06.09.2019 and bail dated
05.11.2019 within the period stipulated by this Hon'ble court.

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 first
respondent and the learned counsel appearing for the second
respondent.

2. The petitioner herein Viniba has moved this Court for
cancellation of bail granted to the first respondent Subeer Shabu.
Since the first respondent avoided the service of notice, this Court
had cancelled the bail granted to him. The first respondent was
produced before me by the second respondent police. The matter was
adjourned to enable the first respondent to hand over the articles
and the certificates of the defacto complainant.



3. Today when the matter was taken up for hearing, the learned counsel on either side submitted that the articles and the certificates of the defacto complainant have been handed over to her. It is not in dispute that the marriage between the defacto complainant Viniba and the first respondent Subeer Shabu took place hardly 1½ years ago. There is a five months old baby. The first respondent is statutorily obliged to maintain the petitioner and the child.

4. The first respondent gives an undertaking that he would pay a sum of Rs.5,000/- to Viniba as interim maintenance. Of course the defacto complainant Viniba is also at liberty to ask for higher maintenance before the concerned Court. Leaving open all the respective rights of the defacto complainant as well as the first respondent and also recording the undertaking given by the first respondent that he would pay a sum of Rs.5,000/- as maintenance to the defacto complainant, this criminal original petition stands disposed of.

5. The first respondent's liability will commence from next month onwards. The said maintenance amount shall be deposited by the first respondent on or before 5th of every month. This is only an interim arrangement and without prejudice to the rights of the defacto complainant. This order would abide by the final order that may be passed by the jurisdictional civil Court or the family Court.

6. Since in view of the conduct of the first respondent and the undertaking now given by him, interim bail granted to the first respondent is made absolute. Since the first respondent has already executed sureties before the Court below, there is no need for him to execute fresh sureties. The petitioner's counsel shall intimate in writing the bank account details to the counsel appearing for the accused.

sd/-
20/01/2020

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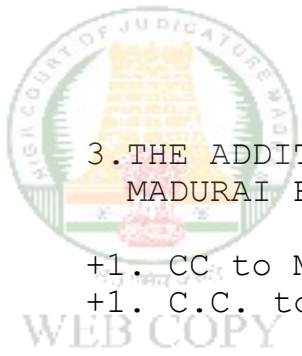
/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI, DISTRICT AT NAGERCOIL.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI, DISTRICT.

<https://hcservices.mca.gov.in/>



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

+1. CC to M/S.ANANTH C.RAJESH Advocate SR.No.970

+1. C.C. to Mr.S.PALANI VELAYUTHAM Advocate SR.No.2119

ORDER

IN

CRL OP(MD) No.18788 of 2019

Date :20/01/2020

PMU

TK/VR/SAR.4/27.01.2020/3P/6C