



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixteenth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION Nos.7695 & 7696 of 2021

IN CRL OP.9532/2021

ANBALAGAN [PETITIONER / INTERVENER/ DEFACTO- COMPLAINANT
IN CRL.M.P.No.7695 OF 2021
IN CRL.O.P.No.9532 OF 2021]

P.MURUGESAN [PETITIONER / ACCUSED
IN CRL.M.P.No.7696 OF 2021
IN CRL.O.P.No.9532 OF 2021]

Vs

P.MURUGESAN [RESPONDENT / PETITIONER / ACCUSED NO.1
IN CRL.M.P.No.7695 OF 2021
IN CRL.O.P.No.9532 OF 2021]

THE STATE REP BY
INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
TIRUVARUR DISTRICT.
(CRIME NO.295/2021)

[RESPONDENT
IN CRL.M.P.No.7696 OF 2021
IN CRL.O.P.No.9532 OF 2021]
&
[2nd RESPONDENT
IN CRL.M.P.No.7695 OF 2021
IN CRL.O.P.No.9532 OF 2021]

Petitions praying that in the circumstances stated therein the High Court will be pleased

(i) to cancel the bail granted to the 1st respondent in Crl.O.P.No.9532/2021 vide order dated 20.05.2021 [IN CRL.M.P.No.7695 OF 2021 IN CRL.O.P.No.9532 OF 2021].

(ii) to relax the condition imposed in the Petition for Bail in Crl.O.P.No.9532 of 2021 in Crime Number.295 of 2021 by this Hon'ble Court vide its Order dated 20/05/2021 that the Petitioner shall report before the Koradacheri Police Station daily at 10.30 A.M [IN CRL.M.P.No.7696 OF 2021 IN CRL.O.P.No.9532 OF 2021]



Order : These petitions coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.HABEEB RAHMAN, Advocate for the Petitioner in CRL.M.P.No.7695 OF 2021 in CRL.O.P.No.9532 OF 2021 and M/S. V.CHANDRASEKARAN, Advocate for (Petitioner in CRL.M.P.No.7696 OF 2021 in CRL.O.P.No.9532 OF 2021 & 1st Respondent IN CRL.M.P.No.7695 OF 2021 in CRL.O.P.No.9532 OF 2021), and of MR. C.E.PRATAP, Advocate on behalf of the (2nd Respondent IN CRL.M.P.No.7695 OF 2021 in CRL.O.P.No.9532 OF 2021 & Respondent in CRL.M.P.No.7696 OF 2021 IN CRL.O.P.No.9532 OF 2021), the court made the following order:-

The case of the petitioner is that the 1st respondent was implicated for the offences under Sections 294(b), 323, 506(2) IPC @ by including Section 302 IPC in Cr.No.295 of 2021 and he was arrested on 07.05.2021. The 1st respondent has preferred the bail petition before this Court in Crl.O.P.NO.9532 of 2021 and this Court, considering the pandemic situation, had granted bail on 20.05.2021 on certain conditions. It is further alleged by the petitioner that after getting bail, the 1st respondent along with other accused in order to wreck vengeance, has attacked the petitioner and his sister and threatened them with dire consequences. Due to which, the petitioner's sister has sustained serious injuries and admitted in hospital and she gave complaint against the 1st respondent before the 2nd respondent Police under Sections 294(b), 323, 506(i) IPC in Cr.No.429 of 2021 and the he was arrested by the respondent Police. The 1st respondent has also filed petition before the Judicial Magistrate, Thiruvavarur, for grant of bail in respect of Cr.No.429 of 2021. The Trial Court has also granted bail on 28.06.2021 in Cr.M.P.No.600/2021. While being so, the petitioner, apprehending attack at the hands of the 1st respondent and other accused persons, has filed the present petition seeking cancellation of bail granted by the Trial Court to the petitioner.

The learned counsel appearing for the 1st respondent herein submitted that the 1st respondent did not commit any offence as alleged by the prosecution and a false case was lodged against the 1st respondent at the instance of the petitioner. He further submitted that the petitioner has filed the affidavit of Undertaking dated 16.08.2021, whereby he undertook in paragraph no.6 that

' ' I respectfully submit that notwithstanding the colour and character of the defacto complainant, I undertake to keep my distance away from him by all possible means and I will not indulge in any action which would attract offence under criminal law.' '

In view of the undertaking given by the petitioner, the Criminal Miscellaneous Petition for cancellation of bail in Crl.M.P.No.7695 of 2021, is closed. However, this Court, considering the allegations against the 1st respondent, is not inclined to relax the condition



imposed by this Court, while granting bail in Crl.O.P.No.9532/2021 and hence, Crl.M.P.No.7696 of 2021, is dismissed.

-sd/-
16/08/2021

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB-JAIL, MANNARGUDI.

+1 C.C. to M/S M.HABEEB RAHMAN Advocate on payment of necessary charges SR.NO. 8582

Order

in
CRL Mps.7695 & 7596v/2021

in
CRL OP.9532/2021

Date :16/08/2021

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

INBA 02/09/2021