



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 01/02/2021

PRESENT

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

CRL MP (MD). No.395 of 2021
in
CRL OP (MD). No.18960 of 2019

Elagovan

... Petitioner/Intervener/
Defacto Complainant

Vs.

1. Balamurugan @ Murugan
2. Vekatesan
3. The State Rep. by
The Inspector of Police,
District Crime Branch,
Theni,
Crime No. of 2019.

... Respondents 1&2/Petitioners/
Accused

... 3rd Respondent/Complainant

For Petitioner : Mr.Dhanapandian for
Mr.Balaji.S., Advocate.
For Respondent-3 : Mr.R.Srinivasan,
Government Advocate (Crl.Side).

PRAYER :-

To Cancel the Anticipatory Bail in the event of arrest in favour of the 1st and 2nd Respondent herein in Crl. O. P.(MD) No.18960/2019 dated 20.12.2019.

ORDER : The Court Made the following order :-

Heard the learned counsel on either side.

2. This Court had granted anticipatory bail to the accused as they were willing to deposit a sum of Rs.4,50,000/- to the credit of the First Information Report in question. This order was passed by me on 20.12.2019. The relevant portion of the order is as follows:-

"3. Without prejudice to their defence in the trial, the petitioners are willing to deposit a sum of Rs.4,50,000/- to the credit of Crime No.29 of 2019 before the jurisdictional Magistrate. They seek three months time.



4. On such deposit, the same will be invested in an interest bearing account in a nationalised bank and its disbursement will depend on the outcome of the criminal proceedings. If the petitioners fail to adhere to this undertaking, the order now passed will stand cancelled.

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5. Recording the undertaking of the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Theni, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously."

3. It is now submitted that the undertaking given before this Court has not been complied with. Therefore, the anticipatory bail granted to the petitioners in Crl.O.P.(MD)No.18960 of 2019 is cancelled.

4. This criminal miscellaneous petition is allowed.

sd/-
01/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.395 of 2021 IN
CRL OP(MD) No.18960 of 2019
Date :01/02/2021