



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

Tuesday, the Second day of November Two Thousand and Twenty One

WEB COPY

PRESENT

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

CRL MP(MD) No.8196 of 2021

IN

CRL OP(MD)No.18527 of 2019

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
(CRIME NO.152 OF 2019)

... PETITIONER/RESPONDENT

Vs

BALAMURUGAN

... RESPONDENT/PETITIONER

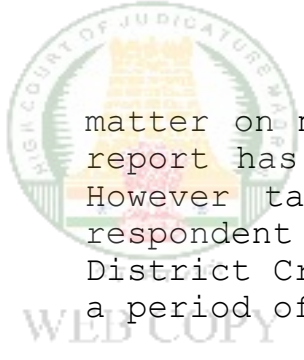
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Cancel the Anticipatory Bail granted to the respondent in Crl.O.P(MD)No.18527/2019 dated 16/12/2019.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.T.SENTHILKUMAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the petitioner and of Mr.S.MUTHUMALAIRAJA, Advocate for the Respondent, the court made the following order:-

The respondent herein Balamurugan was granted anticipatory bail by this Court. To cancel the same, this criminal miscellaneous petition has been filed by the prosecution.

2. The learned Additional Public Prosecutor appearing for the prosecution submitted that the contraband involved in this case is fairly huge and that the accused is not cooperating with the investigation. The accused is a owner cum driver of the offending vehicle.

3. The specific allegation of the prosecution is that the respondent has not come out with the relevant details. Though the submissions of the learned Additional Public Prosecutor are fairly persuasive, I am not in a position to cancel the anticipatory bail already granted. The anticipatory bail was granted by this Court as early as on 16.12.2019. Almost two years have lapsed. I am not presently concerned with any petition challenging the order granting bail. On the other hand, the prosecution wants to cancel the anticipatory bail already granted by this Court. The legal position is well settled. The prosecution must show some supervening circumstances and also as to how the accused misused the liberty granted by this Court. It is not permissible to re-argue the entire



matter on merits. That apart, investigation has been over and final report has also been filed. Therefore, this petition is dismissed. However taking note of the overall facts and circumstances, the respondent is directed to appear before the Inspector of Police, District Crime Branch, Thoothukudi District, daily at 10.30 a.m. for a period of thirty days from 09.11.2021.

sd/-
02/11/2021

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

TO

- 1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.8196 of 2021
IN
CRL OP(MD) No.18527 of 2019
Date :02/11/2021

VB/TR/SAR-IV/10.11.2021/2P/3C