



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

Wednesday, the Twenty Fourth day of November Two Thousand and  
Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

Crl.M.P. (MD)No.9518 of 2021  
in  
Crl.O.P. (MD)No.10004 of 2021

TONI JUDE SMITH ... PETITIONER/DEFACTO COMPLAINANT

Vs

1 STATE THROUGH  
THE INSPECTOR OF POLICE  
SOUTH POLICE STATION,  
THOOTHUKUDI DISTRICT. ...RESPONDENT/COMPLAINANT

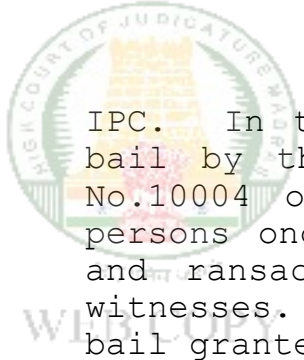
2 XAVIERYAMMAL  
3 PENIBIT  
4 HERMIN  
5 JO MARIA ROSES KORAIRA ... RESPONDENT/ACCUSED 1 TO 4

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Pass the order of cancellation the Anticipatory bail to respondent 2 to 5 which enlarged by this honourable court in Crl.OP.10004/2021 dated 19.08.2021 in Cr.No.483/2021 on the file of 1st respondent police station.

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.MOORTHY.S, Advocate for the petitioner and of MR.P.KOTTAI CHAMY, Government Advocate(Crl Side) on behalf of the 1<sup>st</sup> Respondent and the Respondents 2 to 5 not appeared either in person or by an Advocate, the court made the following order:-

This petition has been filed by the defacto complainant to cancel the anticipatory bail granted to the accused Nos.1 to 4, vide order of this Court dated 19.08.2021, in Crl.O.P.(MD)No.10004 of 2021.

2. The learned counsel appearing for the petitioner/defacto complainant submits that on the allegation that the accused persons trespassed into the defacto complainant's house and ransacked the house and took away the valuable things, a case was registered in Cr.No.483 of 2021 against the accused persons for the offence punishable under Sections 147, 148, 447, 448, 427, 379 and 506(i)



IPC. In that case, the accused persons were granted anticipatory bail by this Court vide order dated 19.08.2021, in CrI.O.P.(MD) No.10004 of 2021. After getting anticipatory bail, the accused persons once again trespassed into the defacto complainant's house and ransacked the house, in order to tamper the evidence and witnesses. Therefore, he prayed for cancellation of anticipatory bail granted to the accused persons.

3. Heard the learned counsel for the petitioner.

4. Though the learned counsel for the petitioner submits that the respondent has misused the personal liberty granted to him in CrI.O.P(MD)No.10004 of 2021, indulged in further offence, disregard to his undertaking given before this Court, the petitioner has not substantiated his averment of registration of any criminal case for the subsequent occurrence. In the absence of any material, this Court is not inclined to entertain this petition and accordingly, the same is dismissed.

sd/-  
24/11/2021

/ TRUE COPY /

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

**TO**

- 1.THE JUDICIAL MAGISTRATE NO.I  
THOOTHUKUDI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE  
THOOTHUKUDI SOUTH POLICE STATION,  
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CrI.M.P. (MD) No.9518 of 2021  
in  
CrI.O.P. (MD) No.10004 of 2021  
Date :24/11/2021

VB/PN/SAR-II/04.12.2021/2P/5C