



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

Date : 22/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20612 of 2021

1. Gopikumar
2. Baskar
3. Remi
4. Amutha @ Amutharani ... Petitioners/Accused Nos.1 to 4
Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Virudhunagar District.
Crime No.15 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.T.Sasidharan Tamilkani,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 15 t of 2021 on the
file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4, apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Sections 498(A) and 406 of IPC, in Crime No.15 of 2021 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to the matrimonial
dispute between the first petitioner and the defacto complainant,
the defacto complainant filed a private complaint before the learned
Judicial Magistrate No.II, Virudhunagar, in Crl.M.P.No.2476 of 2021.
Based upon that, the respondent police registered a case in Crime
No.15 of 2021 as against the petitioners. Hence, the petitioners
filed an anticipatory bail application in Crl.MP(MD)No.1952 before
the learned Principal District & Sessions Judge, Virudhunagar
District at Srivilliputhur and the same was allowed on 15.09.2021,
on certain conditions. But, those conditions were not complied by
the petitioners. Only on that ground, the defacto complainant moved
cancellation of bail petition in Crl.M.P.No.2434 of 2021 and the
same was allowed on 25.11.2021. Hence, this petition.



3.The learned counsel for the petitioners would submit that they are innocent and they have been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

4.According to the learned counsel for the petitioners, since they are not in a position to arrange sureties, they could not execute sureties within a stipulated time and further, since this Court got every right and power to grant anticipatory bail to the petitioners, this petition has been moved.

5.This Court is of the considered view that when there is a cancellation of bail order in Crl.M.P.No.2434 of 2021, dated 25.11.2021, the petitioners must file a petition to set aside the above said order instead of approaching this Court and the question of granting second anticipatory bail by this Court may not arise.

6.Considering the above, the petitioners can file a petition to set aside the cancellation of bail order passed by the learned Principal District & Sessions Judge, Virudhunagar District at Srivilliputhur, in Crl.M.P.No.2434 of 2021, dated 25.11.2021.

7.With the above said liberty, this Criminal Original Petition is dismissed.

sd/-
22/12/2021

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-40066[F] dated 22/12/2021)

ORDER IN
CRL OP(MD) No.20612 of 2021
Date :22/12/2021

dss

<https://hmcsls.gov.in/Services/MS/CM/9A/Doc/0/65/01.2022/2P.4C>