



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.3339 of 2021

IN

CRL OP(MD) No.1394 of 2021

RAHIM BATCHA

... PETITIONER / DEFACTO COMPLAINANT

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
CRIME NO.647/2020.

... 1st RESPONDENT / RESPONDENT

2 B.ABU SUNDAR MEYAN

... 2nd 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 bail granted in favour of the 2nd Respondent herein /1st Accused in Crl.O.P.(MD) No.1394/2021 dated 09.02.2021 on the file of this Honourable Court.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VEILMUTHU.K, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the 1st Respondent and MR.I.PINAYGASH, Advocate for the 2nd respondent, the court made the following order:-

The petitioner/de-facto complainant filed this Petition seeking cancellation of bail, granted in favour of the second respondent/A1 in Crl.O.P.(MD)No.1394 of 2021 on the ground that the second respondent/A1 is exerting pressure upon the petitioner and the family members to arrive at settlement citing the future of the child. Despite the petitioner and his family members resisted, they constantly facing threat. Further, the second respondent/A1 is forcing and threatening the witnesses, so that, he can get away from the offence. The second respondent/A1 is taking all steps to dilute the case. If the second respondent/A1 remains outside, the chances of witnesses speaking truth is remote. Further, it is



understood that the second respondent/A1 is taking steps to go to middle east and escape from the case. In view of the same, his Passport to be detained. The first respondent Police are not taking steps to protect the witnesses. Hence, the petitioner filed this Petition.

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2.The learned counsel for the second respondent/A1 submits that on 28.08.2022, the petitioner and the second respondent's brother/A3 appeared before the first respondent Police and the second respondent's brother/A3 handed over 10 sovereigns and 700 milligrams of gold jewels and all the Srithana articles presented during marriage to the petitioner herein. Further, the learned counsel submitted that though earlier the issue got resolved and an agreement was reduced into writing, but it was not signed. Now, all the jewels and articles have been handed over to the petitioner. There are some more articles to be given back. The learned counsel further undertakes that the second respondent/A1 would take care of his daughter namely, Amira Alshiba, who is under the custody of the petitioner, by making a fixed deposit in her name and also make regular payments for her studies, maintenance and well-being, on his own volition. This is purely out of love and affection.

3.Mr.R.Meenakshisundaram, learned Additional Public Prosecutor appearing for the first respondent submits that both the petitioner and the second respondent's brother/A3 namely, B.Subethar Sundar Mydeen appeared before the first respondent Police on 28.08.2022, handed over all the Srithana articles, gifts and gold jewels of late.R.Fathima Nasreen on behalf of the second respondent/A1. There are more articles to be handed over, which is the bone of contention of the petitioner, which, the first respondent had left the parties to decide themselves. Now, charge sheet filed, case taken on file and the case is ripe for trial. The prosecution will produce the witnesses and take all steps to take the case to its logical end, without delay.

4.Considering the submissions and on perusal of materials, it is seen that this Court granted bail to the second respondent/A1 considering the fact that he had taken steps to save the life of his wife late.R.Fathima Nasreen. In this Petition, it is seen that the petitioner has some apprehension that the second respondent/A1 about to flee away and also threatening the witnesses. Mere apprehension will not be sufficient to entertain a petition for cancellation of bail. This Court finds no reason to entertain this Petition. Hence, this Miscellaneous Petition is dismissed.

sd/-

30/08/2022

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/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE,
PERURANI SUB JAIL, THOOTHUKUDI DISTRICT.

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

+1. C.C. to M/S.VEILMUTHU.K Advocate SR.No.9345.

ORDER

IN

CRL MP (MD) No.3339 of 2021

IN

CRL OP (MD) No.1394 of 2021

Date :30/08/2022

MK/VR/SAR.II/06.09.2022/3P/7C