



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.06.2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

Crl.M.P. (MD)Nos.5339 and 5341 of 2022
in
Crl.O.P. (MD)Nos.11231 and 11244 of 2021

Crl.M.P. (MD)No.5339 of 2022:

Suresh ...Petitioner/ Intervener/
De facto Complainant

Vs

1. Abithabegam ... 1st Respondent/ Petitioner /
Accused No.2
2. The State Rep. by
The Inspector of Police,
District Crime Branch,
Karur District.
Crime No.6 of 2021 ... 2nd respondent / Respondent/
Complainant

For Petitioner : Mr.K.Vamanan
Advocate

For R2 : Mr.T.Senthilkumar,
Additional Public Prosecutor

For R1 : Mr.P.Edin Brough, Advocate.

Petition for cancellation of anticipatory bail

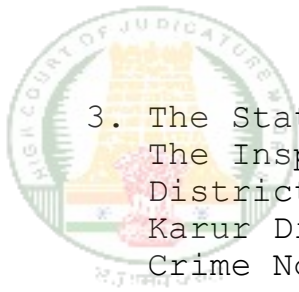
PRAYER :-To cancel the anticipatory bail granted to accused No.2 by
this Court in Crl.O.P.(MD)No.11231 of 2021 dated 21.10.2021

Crl.M.P. (MD)No.5341 of 2022:

Suresh ...Petitioner/ Intervener /
De facto Complainant

Vs

1. Alavudeen
2. Jahirhussain ... 1st & 2nd Respondent / Petitioners/
Accused No.1 and 3



3. The State Rep. by
The Inspector of Police,
District Crime Branch,
Karur District.
Crime No.6 of 2021

... 2nd respondent / Respondent/
Complainant

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For Petitioner : Mr.K.Vamanan
Advocate

For R3 : Mr.T.Senthilkumar,
Additional Public Prosecutor

For R1 and R2 : Mr.P.Edin Brough, Advocate.

Petition for cancellation of anticipatory bail

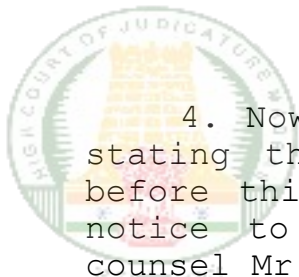
PRAYER :-To cancel the anticipatory bail granted to accused Nos.1 and 3 by this Court in Crl.O.P.(MD)No.11244 of 2021 dated 21.10.2021

COMMON ORDER : The Court made the following order :-

The first respondent in Crl.M.P.(MD)No.5339 of 2022 and respondents 1 and 2 are arrayed as accused in connection with the case in Crime No.6 of 2021 on the file of the respondent Police for the offence punishable under Sections 420 and 109 IPC.

2. The allegation levelled against the accused is that they along with other accused, by giving false promise to get a job to the defacto complainant and others, obtained a sum of Rs.42,00,000/- and cheated them.

3. The accused moved anticipatory bail petitions in Crl.O.P.(MD)Nos.11231 and 11244 of 2021 before this Court. When the petitions came up for hearing before this Court, the accused are ready to settle the issue amicably with the defacto complainant and others. Accordingly, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre attached to this Court to settle the issue amicably. Since the accused have not co-operated for mediation, the matters were returned back to the Court. When the matters came up before this Court for consideration, at the request of the learned counsel appearing for the accused, the matters were once again referred for mediation by appointing an Advocate as Mediator. Thereafter, when the matters came up for hearing on 21.10.2021, the learned counsel appearing for the accused submitted that the dispute has been settled between the accused and the defacto complainant and the accused have agreed to pay a sum of Rs.25,00,000/- to the defacto complainant and others in three installments and also filed an affidavit to that effect. Based on the said affidavit filed by the accused, this Court, vide order dated 21.10.2021, granted anticipatory bail to the accused with certain terms and conditions.



4. Now, the defacto complainant has filed the present petition stating that the accused have not settled the amount as agreed before this Court. This Court, by order dated 27.04.2022, ordered notice to the accused. The accused are represented by learned counsel Mr.P.Edwin Brough.

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6. The learned counsel appearing for the defacto complainant submits that the accused have obtained anticipatory bail by giving false undertaking that they will settle the amount in three installments. Thereafter, they failed to settle the amount. Since it is a clear violation of the order of this Court passed in Crl.O.P.(MD)No.11231 and 11244 of 2021 dated 21.10.2021, he seeks for cancellation of anticipatory bail granted to the accused.

7. Mr.P.Edwin Brough, learned counsel appearing for the accused, seeks some more time to settle the amount to the defacto complainant and others as agreed before this Court.

8. Though the learned counsel appearing for the accused seeks time to settle the amount, he has not come forward with a clear stand as to when the accused will settle the amount to the defacto complainant and others.

9. The accused persons not only cheated the defacto complainant and others, but, also misrepresented by filing false affidavit that they will settle the amount of Rs.25,00,000/- to the defacto complainant and others in three installments and obtained anticipatory bail.

10. Considering the attitude of the accused and since it is a clear violation of the order passed by this Court in Crl.O.P.(MD) No.11231 and 11244 of 2021 dated 21.10.2021, this Court is inclined to cancel the anticipatory bail granted to the accused.

11. Accordingly, the anticipatory bail granted to the accused by this Court in Crl.O.P.(MD)No.11231 and 11244 of 2021 dated 21.10.2021 is hereby cancelled. It is open to the Investigating Agency to secure the accused, proceed with the case.

sd/-
17/06/2022

/ TRUE COPY /

23/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR DISTRICT.

4 THE SUPERINTENDENT OF POLICE,
KARUR.

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

ORDER

IN

Crl.M.P.(MD)Nos.5339 and 5341 of 2022
in

Crl.O.P.(MD)Nos.11231 and 11244 of
2021

Date :17/06/2022

MK/JM/SAR.III/23.06.2022/4P/6C