



(CRI



22)

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

Thursday, the Eighteenth day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)Nos.8415, 8420 to 8423 of 2022

THE STATE REP BY,
THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.92/2022) ... PETITIONER/RESPONDENT/COMPLAINANT
IN ALL PETITIONS

Vs

SARAVANAKUMAR	... RESPONDENT/ PETITIONER/ACCUSED NO.7 IN CRL OP(MD)No. 8415 of 2022
KARTHICK @ PULI KARTHI	...RESPONDENT/PETITIONER/ACCUSED NO.4 IN CRL OP(MD)No. 8420 of 2022
AKASH	...RESPONDENT/PETITIONER/ACCUSED NO.5 IN CRL OP(MD)No.8421 OF 2022
MADHAN	...RESPONDENT/PETITIONER/ACCUSED NO.6 IN CRL OP(MD)No. 8422 of 2022
ARUN PANDIAN,	...RESPONDENT/PETITIONER/ACCUSED NO.8 IN CRL OP(MD)No.8423 of 2022
ELANGO	...PETITIONER/INTERVENER/NOT A PARTY / DEFACTO COMPLAINANT IN CRL MP(MD)Nos. 8276,8278, 8281, 8282 & 8283 OF 2022

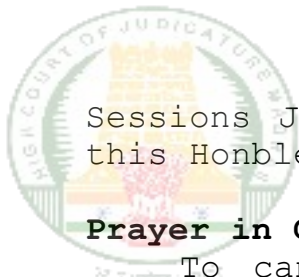
Prayer in CRL OP(MD) . 8415/ 2022 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to cancel the bail granted to the Respondent in Cr.MP.No.1349/2022 dated 12.04.2022 by the Learned Principal District and Sessions Judge, Sivagangai.

Prayer in CRL OP(MD) . 8420/ 2022 :

To Cancel the bail granted to the Respondent in Cr.MP.No.1474 of 2022 dated.12.04.2022 by the Learned Principal District and

<https://www.mhc.tn.gov.in/judis>



Sessions Judge, Sivagangai and pass such further or other orders as this Hon'ble Court.

Prayer in CRL OP(MD) . 8421/ 2022 :

To cancel the bail granted to the respondent in Crl.M.P.No. 1365 of 2022, Dated 12.04.2022 by the learned Principal District and Sessions Judge, Sivagangai and pass such further or other orders as this Hon'ble Court.

Prayer in CRL OP(MD) . 8422/ 2022 :

To cancel the bail granted to the respondent in Crl.M.P.No. 1363 of 2022, Dated 12.04.2022 by the learned Principal District and Sessions Judge, Sivagangai and pass such further or other orders as this Hon'ble Court.

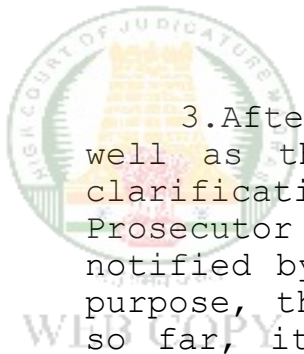
Prayer in CRL OP(MD) . 8423/ 2022 :

To Cancel the bail granted to the Respondent in Cr.MP.No.1455 of 2022 Dated 12.04.2022 by the Learned Principal District and Sessions Judge, Sivagangai and pass such further

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.A.THIRUVADIKUMAR, Additional Public Prosecutor for the petitioner in all petitions and of MR.N.MOHIDEEN BASHA, Advocate on behalf of the Respondent in CRL OP(MD)No. 8415 of 2022 and MR.VRG.MOHAN, Legal Aid Counsel for the Respondent in CRL OP(MD)No. 8420 of 2022 and MR.A.MOHAN, Advocate for the Respondent in CRL OP(MD)Nos. 8421 to 8423 OF 2022 and MR.P.AJU TAGORE, Advocate for the Intervenor IN CRL MP(MD)Nos. 8276, 8278, 8281 to 8283 OF 2022, the court made the following order:-

These criminal original petitions are filed seeking cancellation of bail granted to the respondents in connection with Crime No.92 of 2022 on the file of the Inspector of Police, Sivagangai Town Police Station, Sivagangai District.

2.All the matters are heard at length and the State moved separate cancellation petitions on the ground that subsequent to the releasing of the respondents on bail, on the basis of the complaint given by the de-facto complainant over the alleged threat that was made by the accused persons, CSR No.629 of 2022 was registered, on 24/04/2022. During the course of the above said enquiry, *prima facie* ground in the complaint given by the de-facto complainant was found. So on that basis, FIR was also registered. In pursuance of the above said FIR, one of the accused was arrested and remanded to custody and since he was in custody more than the statutory period, he was enlarged on bail by this court in Crl.OP(MD)No.11048 of 2022, dated 08/07/2022.



3. After hearing the learned Additional Public Prosecutor as well as the learned appearing for the respondents on record, a clarification was sought from the learned Additional Public Prosecutor as to whether the Witnesses Protection Scheme has been notified by the Government of Tamil Nadu and is in force. For that purpose, the learned Additional Public Prosecutor would submit that so far, it has not been notified. But however, in the matter of similar issue, a detailed guideline has been issued by this court in more than one occasions. According to him, this is also a fittest case to cancel the bail. But at the conclusion of the argument, the learned Additional Public Prosecutor would submit that in view of the enlargement of one of the accused on bail in CrI.OP(MD)No.11048 of 2022, dated 08/07/2022, this court directed the accused to stay at Trichy. In this matter also, a similar direction may be issued to the respondents to stay at Trichy, so that the trial process may not be interfered and there will be no threat to the witnesses also. So this court is of the considered view that this is a fair and genuine request that has been made by the prosecution.

4. Even though, the learned counsel appearing for the accused has made elaborate submission to the effect that only in order to cancel the bail, such a complaint has been obtained from the de-facto complainant and the case has been registered. In short, what they want to say is that the prosecution is creating evidence for the purpose of cancellation of bail. So according to the respondents, such an attempt on the part of the prosecution should not be permitted and if permitted, it will deprive their personal liberty; Only on considering the facts and circumstances of the case, bail was granted by this court with conditions; So it requires no interference.

5. But however, in the light of the said submission made by the learned Additional Public Prosecutor, **the accused persons are directed to stay at Trichy and reported before the Inspector of Police, Fort Police Station, daily at 10.30 am, till the examination of the material witnesses is over by the trial court. They must appear before the trial court on the date of hearing and the condition imposed upon them to report before the Fort Police Station on the hearing date will be condoned.**

6. With the above said direction, all the criminal original petitions are **disposed of.**

sd/-

18/08/2022

/ TRUE COPY /

/09/2022

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



WEB COPY

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 3 INSPECTOR OF POLICE,
FORT POLICE STATION,
TRICHY DISTRICT.
- 4 THE OFFICER-INCHARGE,
DISTRICT JAIL, RAMNAD
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CrI.OP (MD) Nos.8415, 8420
to 8423 of 2022
Date :18/08/2022

ER
PKP/SVR/SAR-2/15.09.2022/4P/5C