



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

Thursday, the Seventh day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL MP(MD) No.6864 of 2022
IN
CRL OP(MD) No.18966 of 2021

RENJITH

... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT

Vs

1 ROBERT NIRMAL SINGH

2 ROBI MOHAN

3 MANGALAM MARY

4 HARMA

5 STELLA MARY

6 THE STATE REP.BY,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KANYAKUMARI,
KANYAKUMARI DISTRICT.
CRIME NO. 49 OF 2021.

... RESPONDENTS/RESPONDENTS/
COMPLAINANTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail granted to Petitioner 1 to 5 in Cr1.OP.(MD).No.18966 of 2021 order dt.2.3.2022.

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.NIRANJAN.S.KUMAR, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

The above petition has been filed under Section 439(2) Cr.P.C., for cancellation of anticipatory bail granted to the respondents 1 to 5 in Cr1.O.P.(MD)No.18966 of 2021, dated 08.03.2022.



2. It is not in dispute that on the basis of the complaint lodged by the petitioner/defacto complainant, F.I.R came to be registered in Cr.No.49 of 2021 for the alleged offences under Sections 120(b), 417, 426, 500, 503, 341, 294(b), 506(i), 392 and 511 I.P.C. The respondents 1 to 5/accused 1 to 5 have filed an application in Crl.O.P.(MD)No.18966 of 2021 seeking anticipatory bail. The petitioner/defacto complainant has raised objections for granting anticipatory bail. This Court, upon considering the objections raised by the petitioner/defacto complainant and the sixth respondent police, has passed the impugned order dated 08.03.2022 granting anticipatory bail, by imposing conditions directing the petitioners to report before the sixth respondent police daily 10.30a.m., for a period of one month and thereafter as and when required for the interrogation.

3. It is further evident that the respondents 1 to 5 have moved an application in Crl.M.P.(MD)No.4803 of 2022 seeking extension of time for complying with the conditions imposed by this Court in the order passed in Crl.O.P.(MD)No.18966 of 2021 and this Court, vide order dated 18.04.2022 has granted two weeks further time. It is not in dispute that the respondents 1 to 5, who have not complied with the said orders have filed another application in Crl.O.P.(MD) No.10884 of 2022 seeking anticipatory bail again.

4. The main contention of the petitioner/complainant seeking cancellation of anticipatory bail is that the respondents 1 to 5/accused have not complied with the orders of this Court made in Crl.O.P.(MD)No.18966 of 2021. The learned Counsel for the petitioner would submit that the progress of investigation was halted by the accused to prolong the issue from filing the final report by the sixth respondent police, that the accused persons were actively participating in tampering the evidences and tampering the witnesses to flee away from the justice, that there are high probabilities and possibilities either to flee away from justice, that even after the period of two months, the accused persons have not surrendered themselves before the jurisdictional Court and not co-operating for the investigation and that the matter involves the public bank money and the trust was the guarantor for the public money, which is to the tune of more than One Crore.

5. The learned Counsel for the petitioner would submit that the amount involved in this case are huge in volume and that due to the non-compliance of the order of this Court, the investigation was halted.

6. It is pertinent to mention that as already pointed out, the respondents 1 to 5 have already filed an application for extension of time and obtained orders from this Court by extending two weeks



anticipatory bail. Since the respondents 1 to 5 have not complied with the conditions, they have now approached this Court by filing a fresh application for anticipatory bail and after enquiry, this Court has granted anticipatory bail today. Moreover, the failure of the accused to comply with the conditions by itself is not a ground to cancel the bail, when the accused have already obtained orders, extending time for complying with the conditions and thereafter, fresh application for anticipatory bail. The petitioner has not canvassed or advanced any other reason or ground for cancelling the anticipatory bail already granted.

7. Considering the above, this Court is of the view that the above application for cancellation of anticipatory bail is absolutely devoid of merits and the same is liable to be dismissed.

8. In the result, the Criminal Miscellaneous Petition is dismissed.

sd/-

07/07/2022

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

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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
DISTRICT CRIME BRANCH, KANYAKUMARI,
KANYAKUMARI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.NIRANJAN.S.KUMAR Advocate SR.No.6839

ORDER

IN

CRL MP(MD) No.6864 of 2022

IN

CRL OP(MD) No.18966 of 2021

Date : 07/07/2022