



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

Friday, the Fifteenth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL MP(MD) No.6838 of 2022
IN
CRL OP(MD) No.277 of 2015

S.MARIMUTHU

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO. 346 OF 2014)

....1st RESPONDENT/RESPONDENT

2 R.SURESH

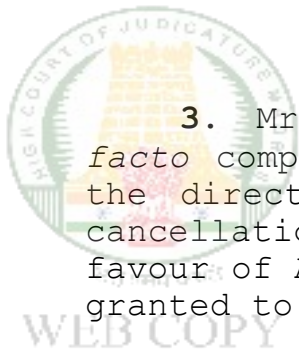
... 2nd RESPONDENT/PETITIONER

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail which was granted by this Hon`ble Court in Crl.O.P. (MD) No. 277 of 2015, Dated. 13.01.2015 and consequently directing the Respondent No.1 to arrest him within time stipulated by this Hon`ble 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 MR.I.PINAYGASH, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the 1st Respondent and of MR.D.VENKATESH, Advocate for the 2nd Respondent, the court made the following order:-

This Court granted anticipatory bail to Suresh (A1) in Crl.O.P. (MD) No.277 of 2015, on 13.01.2015, for cancelling which, Marimuthu (de facto complainant) has filed this criminal miscellaneous petition.

2. Heard Mr.I.Pinaygash, learned counsel for the petitioner / de facto complainant, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the State and Mr.D.Venkatesh, learned counsel appearing for Suresh (A1).



3. Mr.I.Pinaygash, learned counsel for the petitioner *de facto* complainant contended that Suresh (A1) had not complied with the directions of this Court inasmuch as he has not executed a cancellation deed of the sale deed that was executed by him in favour of A2 to A4 in this case and therefore, the anticipatory bail granted to Suresh (A1) should have to be cancelled.

4. Mr.S.Ravi, learned Additional Public Prosecutor appearing for the State submitted that the investigation in Munnirpallam Police Station Crime No.346 of 2014 has been completed and final report has been filed in the Court of the Judicial Magistrate (Land Grabbing), Tirunelveli, on 24.06.2022 and the same has not been taken on file.

5. Mr.D.Venkatesh, learned counsel appearing for Suresh (A1) contended that Suresh (A1), while selling 3.65 acres of land to A2 to A4, had inadvertently included three survey numbers belonging to Marimuthu (*de facto* complainant); when this came to the notice of Suresh (A1) even before the F.I.R. was filed, he made arrangements with A2 to A4 for executing a release deed in favour of Marimuthu (*de facto* complainant); when that having been done, Suresh (A1) has substantially complied with the directions of this Court.

6. It is trite that consideration for grant of bail is different from the one that is required for cancellation of bail that had already been granted. In this case, this Court had not issued any positive direction to Suresh (A1) to execute a cancellation deed, because admittedly Suresh (A1) had already sold 3.65 acres of land to A2 to A4, in which sale deed, he has included three survey numbers of Marimuthu (*de facto* complainant). By executing the sale deed, the subject property stood transferred to the purchasers. Thus, in this case, the purchasers have executed a release deed at the instance of Suresh (A1) in favour of Marimuthu (*de facto* complainant). Even in the said release deed, Suresh (A1) has signed as a witness. In such view of the matter, this Court is of the opinion that this is not a fit case, in which the bail that had been granted to Suresh (A1) needs to be cancelled.

In the result, this criminal miscellaneous petition is devoid of merits and the same is dismissed.

sd/-
15/07/2022

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/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-7226[I] dated 18/07/2022)

ORDER

IN

CRL MP(MD) No.6838 of 2022

IN

CRL OP(MD) No.277 of 2015

Date :15/07/2022

krk

PKP/JM/SAR-3/20.07.2022/3P/6C