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CRL MP(MD)



22

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

Monday, the Fourth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.7178 of 2022

IN

CRL OP(MD) No.6897 of 2018

RAKUMATHU NISHA

... PETITIONER/3RD PARTY
/DEFACTO COMPLAINANT

Vs

1 ABBAS

... 1ST RESPONDENT/PETITIONER/A1

2 STATE REP.BY

THE INSPECTOR OF POLICE
THENI ALL WOMEN POLICE STATION,
THENI DISTRICT.
CR.NO.28/2017

... 2ND RESPONDENT/RESPONDENT/COMPLAINANT

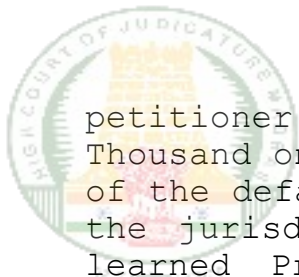
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Cancel the Anticipatory Bail petition was granted in favour of the 1st Respondent / 1st accused by this Honourable Court in Crl.O.P.(MD).No.6897/2018 by the oder dt 26.04.2018.

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.J.SULTHANBASHA, Advocate for M/S.AJMAL ASSOCIATES for the petitioner and of MR.SYED ABDUL KADER, Advocate on behalf of the 1st Respondent and MR.VEEERENDRAN, Government Advocate (Crl.Side) on behalf of the 2nd Respondent, the court made the following order:-

The first respondent filed Crl.O.P(MD)No.6897 of 2018 seeking Anticipatory Bail. Relief was granted by recording his undertaking that he would pay a sum of Rs.5,000/- (Rupees Five Thousand only) every month to the defacto complainant. The said undertaking was not complied with. The accused also did not appear before the trial Court. Hence, Non-Bailable Warrant was issued against him. He was also secured. The defacto complainant filed Crl.M.P(MD)No.7178 of 2022 for cancellation of the order dated 26.04.2018 whereby the relief was granted in Crl.O.P(MD)No.6897 of 2018 to the accused.

2.The learned Trial Magistrate dismissed the bail petition of the accused as the order passed by this Court was not complied with.

3.The learned counsel appearing for the accused now states that the funds have been mobilized. He, however, wants some concession. I am not inclined to grant the same because the arrears payable to the



petitioner comes to Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) as on date. If the Demand Draft is taken in the name of the defacto complainant and handed over to her in the presence of the jurisdictional Magistrate, then, it is certainly open to the learned Principal Sessions Judge, Theni, to consider the bail petition of the accused. The learned Judicial Magistrate, Theni had dismissed the bail petition on 27.06.2022 and the accused had moved the learned Principal District and Sessions Judge, Theni and it is coming tomorrow. If the accused produces the Demand Draft in favour of the defacto complainant and the same is also handed over to the defacto complainant and the undertaking given before this Court in Cr.O.P(MD)No.6897 of 2018 is complied with, then alone, the learned Principal District and Sessions Judge, Theni, shall consider the bail petition of the accused.

4. With this direction, this Criminal Miscellaneous Petition is disposed of.

sd/-

04/07/2022

/ TRUE COPY /

04/07/2022

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

TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, THENI.
- 2 THE JUDICIAL MAGISTRATE, THENI
- 3 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 4 THE INSPECTOR OF POLICE, THENI ALL WOMEN POLICE STATION,
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.7178 of 2022
IN

CRL OP(MD) No.6897 of 2018
Date :04/07/2022

RS/PN/SAR.2 (04.07.2022) 2P-6C