



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

Friday, the Fourth day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.12606 of 2022
IN
CRL OP(MD) No.9614 of 2022

IRFANA NASREEN

...INTERVENER/
DEFACTO COMPLAINANT

Vs

1 M.ASIK ALI

2 MOHAMED ALI

3 JUNAITHA BEGAM

4 SADHIK BABU

5 S.RISWANA @ RISWANA JASMINE

...RESPONDENT/PETITIONER/
ACCUSED NO.1 TO 3, 5 AND 6

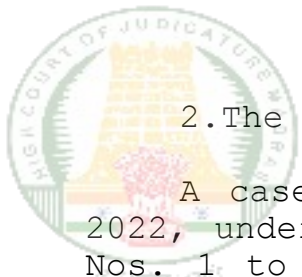
6 THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI CITY.
CRIME NO.25 OF 2022.

... 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 Granted to Respondent No.1 to 5 in Crl.OP.(MD).No.9614 of 2022 dated 25.8.2022.

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.MOHIDEEN BASHA N, Advocate for the petitioner and of S.MANIKANDAN, Government Advocate(Crl.side) on behalf of the Respondent No.6 the court made the following order:-

This petition is filed to cancel the anticipatory bail granted to the respondents 1 to 5, by this Court in Crl.OP(MD) No.9614 of 2022, dated 25.08.2022.



2.The facts in brief is as follows:

A case was registered against six persons, in Crime No.35 of 2022, under Sections 498(A), 406, 417, 420 of IPC. The respondent Nos. 1 to 5 were granted anticipatory bail by this Court. While granting anticipatory bail, conditions were imposed upon the respondents that within 15 days, from the date of order copy was made ready, they must surrender before the Judicial Magistrate No.II, Madurai and execute a bond for Rs.10,000/- along with two sureties, each for a likesum and the first accused was directed to appear before the respondent Police daily at 10:30AM, until further orders.

3. Now this petition has been filed by the petitioner, to cancel the anticipatory bail, that was granted to the respondent Nos.1 to 5, on the ground that they have not complied the conditions, imposed by this Court. The learned counsel for the petitioner would submit that he presented this petition on 10.10.2022. As mentioned above, the anticipatory bail order was passed by this Court on 25.08.2022 and order copy was made ready on 14.09.2022. According to him, within 14 days, ie., from 14.09.2022, they ought to have surrendered before the trial Court and execute a bond. Till the presentation of this petition, they have not complied the said order.

4.Per contra, the learned counsel for the respondent Nos. 1 to 5 would submit that after getting anticipatory bail, to modify the condition and execution of surety, they filed a modification petition before this Court on 20.09.2022 itself and the same was allowed by this Court on 27.09.2022. Later, on 17.10.2022, the respondent Nos. 1 to 5 surrendered and executed a bond before the concerned Court. The order was duly complied and there was no delay or non-compliance on the part of the respondent Nos. 1 to 5.

5.The learned counsel for the petitioner would submit that only after filing this petition on 10.10.2022, the above said modification petition was presented. According to him, it shows the attitude of the respondents.

6.From the facts as narrated above, on 20.09.2022 itself, the respondents filed the modification petition before this Court. It was ordered by this Court on 27.09.2022 and the same was made ready on 11.10.2022. The respondents and their sureties also executed bond before the concerned Court on 17.10.2022. Hence, the dates and events show that there was no act of non-compliance on the part of respondents. Therefore, the ground on which the petition is filed to cancel the anticipatory bail does not lie and it deserves to be dismissed.



WEB COPY

CRL MP(MD) N



22

7. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
04/11/2022

/ TRUE COPY /

/11/2022

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

pnm

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.12606 of 2022
IN
CRL OP(MD) No.9614 of 2022
Date :04/11/2022

RK/GB/SAR-1 (08/11/2022) 3P/5C