



Crl.M.P.No.10489 of 2023 in Crl.O.P.No.6941 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner/defacto complainant had lodged a complaint before the first respondent and the same was registered in Crime No.80 of 2023 as against respondents 2 and 4 for the alleged offences punishable under Sections 420, 294(b) and 506(ii) of IPC. The second respondent/accused No.1 has filed Crl.O.P.No.6941 of 2023 seeking bail and this Court had granted bail to her on 28.03.2023 with a condition to report before the respondent police daily at 10.30a.m., until further orders. Alleging that the accused has not complied with the said condition, the petitioner has filed this petition seeking to cancel the bail granted to the second respondent/accused.

2. Learned counsel for the petitioner would submit that it is the case of job racketing and the accused was granted bail on 28.03.2023 with a condition to report before the respondent police daily at 10.30a.m., until further orders, however, the second respondent/accused has not complied with the condition imposed by this Court and hence, the present petition has been filed seeking to cancel the bail granted to the second respondent/accused.



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3. The second respondent/accused has filed a detailed counter.

4. Pointing out the contentions of the counter affidavit, learned counsel for the second respondent would submit that the petitioner was arrested on 10.02.2023 and later, on 28.03.2023 he was granted bail in Crl.O.P.No.6941 of 2023 with a condition to report before the respondent police daily at 10.30a.m., until further orders and subsequently, the accused had filed Crl.M.P.No.5323 of 2023 seeking modification of the condition imposed, wherein this Court, by an order dated 20.04.2023, modified the condition and thereby directing the accused to appear before the District Crime Branch, Kallakurichi at 10.30a.m., for a period of one week and thereafter, on every Saturday at 10.30a.m., until further orders. He would further submit that later, the accused had filed Crl.M.P.No.7815 of 2023 seeking relaxation of the condition, in which, this Court, by an order dated 13.06.2023, had modified the condition directing the accused to appear before the respondent police on 1st Saturday of every month at 10.30 a.m., until further orders. He would submit that without verifying the modifications granted by this court, the defacto complianant has filed the present petition seeking to cancel the bail granted to the accused. He would



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also submit that since the second respondent/accused did not get the copy of the order dated 13.06.2023, she was unable to comply with the condition on the 1st Saturday of July, 2023 and thereafter, she had been continuously complying with the condition by appearing before the respondent on the 1st Saturday of every month at 10.30 a.m. without fail and thereby, he would seek to dismiss the petition.

5. Learned Government Advocate(Criminal Side) appearing for the first respondent, after verifying with the CD file and the investigating officer, who was present in court, affirmed that except on the 1st Saturday of July, 2023, the respondent had appeared before the respondent police on the 1st Saturday of every month without fail.

6. Heard the learned counsel on either side and perused the materials available on record.

7. The only ground raised by the petitioner for seeking cancellation of bail is non-compliance of bail conditions by the accused. Having heard the learned counsel appearing for the parties, this court finds that the second



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respondent/accused has been complying with the conditions regularly, except on one occasion viz., on 1st Saturday of July, 2023, that too, due to non-receipt of order copy modifying the bail condition and thereby the bail granted by this court does not warrant any interference and as a consequence, the petition seeking cancellation of bail is liable to be dismissed. Accordingly, it is dismissed.

16.10.2023

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