



WEB COPY

CRL MP(MD)



23

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

Date : 28/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL.M.P(MD)No.123 of 2023

in

Cr1.O.P(MD)No.8994 of 2020

Meiyanamoorthy

... Petitioner/Defacto complainant

-vs-

1.The Inspector of Police,
Thennilai Police Station,
Karur District.
(Crime No. 318 of 2020)

... 1st Respondent/Complainant

2. Raviselvan

... 2nd Respondent/Accused No.1

PRAYER: Criminal Original Petition filed under Section 439(2) r/w 482 of Cr.P.C, praying to cancel the anticipatory bail order granted to the second respondent herein by this Court on 31.08.2020 in Cr1.O.P(MD)No.8994 of 2020 in Crime No.318 of 2020 on the file of the first respondent police.

For Petitioner : Mr.S.Hammed Ismail

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Cr1.side)

For R2 : Mr.T.Mohan
Senior Counsel
for Mr.K.Suresh

O R D E R

This Criminal Miscellaneous Petition is filed to cancel the anticipatory bail order granted to the second respondent herein by this Court on 31.08.2020 in Cr1.O.P(MD)No.8994 of 2020 in Crime No.318 of 2020 on the file of the first respondent police.

2.Mr. Hammed Ismail, learned counsel appearing for the petitioner would submit that on the complaint given by the petitioner/ defacto complainant a case in Crime No.318 of 2020 came to be registered against the second respondent herein/accused for



the offences punishable under Sections 294(b), 324, 342, 355, 362, 506(2), 506(2) IPC. The second respondent has earlier filed Cr.M.P.No.805 of 2020 before the Principal Sessions Judge, Karur, seeking anticipatory bail. The same was dismissed vide order dated 03.08.2020 against which the second respondent filed Crl.O.P(MD) No.8994 of 2020 before this Court and the petitioner was granted anticipatory bail by this Court vide order dated 31.08.2020 with a direction to surrender before the Magistrate and execute sureties and after coming out on anticipatory bail, the petitioner was directed to appear before the first respondent police as and when required for interrogation. Further, this Court has also directed that the conditions stipulated in the judgment in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]** have to be complied with. However, the second respondent has not surrendered before the court and executed sureties. He would seek for cancellation of anticipatory bail granted to the second respondent/ accused.

3. The learned Government Advocate (Crl.side) appearing for the first respondent police would submit that the second respondent has surrendered before the court on 04.01.2023 and he has also furnished sureties and other than that, no condition was imposed by this Court while granting anticipatory bail to the petitioner. He would further submit that as on date, final report has been filed before the Judicial Magistrate No.2, Aravakurichi and the same is yet to be taken on file. He would also submit that initially the case has been registered for the offences punishable under Sections 294(b), 324, 342, 355, 362, 506(2) IPC and after completion of investigation, final report has been filed for the offences punishable under Sections 294(b), 324 and 506(2) IPC only.

4. Mr.T.Mohan, learned Senior Counsel appearing for the second respondent/accused would submit that the petition for cancellation of anticipatory bail has been filed on the ground that the second respondent has not surrendered pursuant to the anticipatory bail and executed sureties and other than that, the petitioner has also made an allegation that the second respondent/accused, after obtaining anticipatory bail, had threatened the petitioner/de-facto complainant by showing a gun. He would also submit that even as per the order granting anticipatory bail, no time frame has been fixed for the second respondent/accused to surrender before the Court and even in respect of the allegation of threatening the petitioner with a gun, there is no date or time mentioned and no complaint has also been given to the respondent police in respect of such incident. He would also submit that the case was registered on account of enmity between the persons, who were once close relatives-cum-friends and the petition to cancel the anticipatory bail has been filed only to harass the second respondent/accused and thereby, he would seek for dismissal of this petition.

5. Heard the learned counsel for the petitioner, learned Government Advocate (Crl.side) appearing for the first respondent



police and the learned Senior Counsel appearing on behalf of the second respondent/accused. This Court has perused the materials available on record including the order passed by this Court in Crl.O.P(MD)No.8994 of 2020 dated 31.08.2020.

6. This Court while granting anticipatory bail has not stipulated any time frame for surrender and no condition has also been imposed by this court against the petitioner. After completion of investigation, final report has been filed. It is seen that there is no violation of condition on the part of the second respondent/accused and he has duly surrendered before the court and furnished sureties. Hence, this Court is of the opinion that there is no case made out warranting cancellation of anticipatory bail to the second respondent/accused.

7. In fine, this Criminal Miscellaneous Petition is dismissed.

sd/-
28/02/2023

/ TRUE COPY /

/03/2023

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

CM

To

1. The District Munsif cum Judicial Magistrate,
Aravakurichi.

2. Do-through the Chief Judicial Magistrate,
Karur District.

3. The Inspector of Police,
Thennilai Police Station,
Karur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.123 of 2023
IN
CRL OP(MD) No.8994 of 2020
Date : 28/02/2023