



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

Thursday, the Ninth day of February Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.1819 of 2023

IN

CRL OP(MD) No.21890 of 2022

SELVAM

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 SELVAM

... 1ST RESPONDENT/ACCUSED NO.1

2 THE INSPECTOR OF POLICE

... 2ND 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 R1 alone granted by this Honble Court in order dt.12/12/2022 in Crl.OP(MD)No.21890/2022 in respect of Crime No.404/2022 on the file of R2.

PRAYER IN CRL OP(MD) No.21890 of 2022:-

For Anticipatory Bail in Crime No.404 of 2022 on the file of the respondent Police.

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.RAMASAMY S, Advocate for the petitioner and of M/S.K.SANJAI GANDHI, Government Advocate (Crl.Side) on behalf of the Respondents the court made the following order:-

This petition has been filed to cancel the anticipatory bail granted by this Court in Crl.O.P.(MD)No.21890 of 2022 dated 12.12.2022 to the first accused Selvam in Crime No.404 of 2022 on the file of the second respondent police.

2.It is the contention of the petitioner/de-facto complainant that the accused along with two other accused had filed Crl.O.P.(MD) No.21890 of 2022 before this Court seeking for anticipatory bail in Crime No.404 of 2022 registered by the second respondent police for the offences under Sections 147, 294(b), 323, 506(i) and 379 IPC. The further allegation is that the accused has got five previous



cases against him and he has obtained the order, suppression of the pendency of the earlier cases.

3.The learned counsel for the petitioner would submit that the first respondent/A1 had suppressed the pendency of the earlier cases.

4.The learned counsel for the first respondent/A1 has filed a counter and he would submit that the first respondent/A1 has not suppressed anything and that when the matter was heard, it was represented by the respondent police that there are five cases pending against the first respondent/A1. He would further submit that at the time of hearing of the anticipatory bail application, it was submitted by the first respondent/A1 that out of five cases, three cases are political in nature and further two cases have been referred as "Mistake of Fact" and this Court taking into consideration the pendency of the cases, had only granted anticipatory bail to the first respondent/A1. He would further submit that there is no grounds for seeking cancellation of anticipatory bail and the first respondent/A1 has not suppressed any fact before this Court.

5.The learned Government Advocate (Crl. side) would submit that when the matter was heard, it was represented about the pending cases against the first respondent/A1 and this Court taking into consideration the previous cases and that out of the five cases, three cases are political in nature and two cases have been referred as "Mistake of Fact", had granted anticipatory bail to the first respondent/A1.

6.Heard. Perused the materials available on record.

7.This Court had granted anticipatory bail to the first respondent/A1 in Crl.O.P.(MD)No.21890 of 2022 on 12.12.2022 and during the hearing of the anticipatory bail, it was brought to the notice of this Court about the earlier cases pending against the first respondent/A1 and this Court taking into consideration the political nature of the cases and also finding that the first accused as well as the de-facto complainant are advocates and that they have some rivalry had granted anticipatory bail. Therefore, it is not a case of obtaining bail by suppression. Hence, this petition is dismissed.

sd/-

09/02/2023

/ TRUE COPY /

/02/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI.

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

+1. C.C. to M/S.JEGANATHAN C Advocate SR.No.7424 (F)

ORDER

IN

CRL MP (MD) No.1819 of 2023

IN

CRL OP (MD) No.21890 of 2022

Date :09/02/2023

NA/SBN/SAR-3/20.02.2023/3P/6C