



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

Wednesday, the Fifteenth day of March Two Thousand and Twenty Three
PRESENT

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The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP (MD) No.1941 of 2023
IN
CRL OP (MD) No.6857 of 2019

REV.B.RUSSEL RAJ
MANAGING DIRECTOR, CHRIST THE KING BENEFIT
FUND, KANNUMAMOODU,
KANYAKUMARI DISTRICT. ... INTERVENOR PETITIONER/DEFACTO COMPLAINANT

Vs

1 TMT.DAICY NABI KUMAR

2 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO.30/2018).

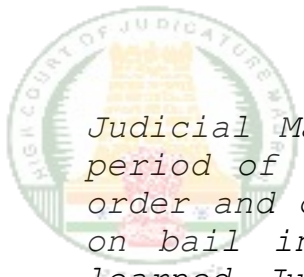
... 2nd RESPONDENT/RESPONDENT

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 which was granted to the petitioner/accused no.1 in Crl.OP(MD)No.6857/2019 dt.8/5/2019 by this Honble Court in Crime No.30/2018.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PANDI DORAI J, Advocate for the petitioner and of Mr.ANAND C.RAJESH, Advocate on behalf of the 1st Respondent and Mr.B.THANGA ARAVINDH, Government Advocate(crl.side) on behalf of the 2nd respondent, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to cancel the anticipatory bail granted to the 1st respondent by this Court vide order dated 08.05.2019 made in CRL.O.P.(MD)No.6857 of 2019 on the ground that the 1st respondent suppressed the fact that she already filed anticipatory bail application before this Court in CRL.O.P.(MD)No.17529 of 2018, in which this Court granted anticipatory bail vide order dated 26.10.2018 on the following conditions:-

"4.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. The petitioner is directed to deposit a sum of Rs.4 lakhs to the credit in Crime No.30 of 2018 before the learned



Judicial Magistrate No.I, Nagercoil, Kanyakumari District within a period of four weeks from the date of receipt of this copy of the order and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District and on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously."

2.However, the 1st respondent failed to comply with the conditions imposed by this Court and by suppressing the said order again filed another petition for anticipatory bail in CRL.O.P.(MD) No.6857 of 2019, where this Court granted anticipatory bail vide order dated 08.05.2019 without any conditions.

3.The learned Government Advocate (Crl.Side) for the 2nd respondent submitted that the 2nd respondent completed the investigation and filed final report before the learned Judicial Magistrate No.II, Kulithurai and the same has been taken cognizance in C.C.No.246 of 2009.

4.Considering the fact that the 1st respondent played fraud upon this Court and obtained anticipatory bail, this Court is inclined to cancel the anticipatory bail granted to the 1st respondent, accordingly, it is cancelled. The 2nd respondent is at liberty to secure the 1st respondent and proceed in accordance with law.

5.In view of the above, this Criminal Miscellaneous Petition is allowed.

sd/-

15/03/2023

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/03/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
KUZHITHURAI, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
<https://www.mhc.tn.gov.in/judis>
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.



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

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+1. C.C. to M/S.PANDI DORAI J Advocate SR.No.4325

+ 1 CC TO Mr.ANAND C.RAJESH, ADVOCATE IN SR No.4321

ORDER

IN

CRL MP (MD) No.1941 of 2023

IN

CRL OP (MD) No.6857 of 2019

Date :15/03/2023

SS/CG/SAR III/20/03/2023/3P/7C