



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

Monday, the Twenty Fourth day of April Two Thousand and Twenty
Three

WEB COPY

PRESENT

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

CRL MP(MD) No.4406 of 2023
IN
CRL OP(MD) No.13487 of 2022

RAVI

... PETITIONER/INTERVENOR/
DEFACTO COMPLAINANT

Vs

1 THE STATE REP. BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
MADURAI CITY.
(CRIME NO.18/2022)

... RESPONDENT/RESPONDENT/COMPLAINANT

2 VANJINATHAN.P
3 KIRUTHIKA.V
4 PRAKASAM.S

... RESPONDENTS/PETITIONERS/
ACCUSED NOS.1,2,4

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the pre-arrest bail granted on 24.01.2023 to the Respondent No.2 to 4 herein in the above Crl OP(MD) No.13487/2022 and pass such other or other orders as this Honble Court.

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.A.RAMESH, Senior Counsel for M/S.SAMUEL GUNASINGH, Advocate for the petitioner and of M/S.B.THANGA ARAVINDH, Government Advocate (Crl.Side) on behalf of the Respondent No.1, M/S.M.VELMURUGAN, Advocate for R2 to R4, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to cancel the pre-arrest bail granted on 24.01.2023 to the respondents 2 to 4 herein in Crl.O.P.(MD)No.13487 of 2022 on the following conditions:

"...9.Accordingly, this Criminal Original Petition

<https://www.mhc.tn.gov.in/judis> allowed and the petitioners are ordered to be



released on bail in the event of arrest or the appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent Police as and when required for interrogation;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

(g) however, it is made clear that in the event of petitioners not complying with the condition as per the affidavit of undertaking and the terms of the Joint memo of compromise, the intervenor is at liberty to file necessary application seeking to cancel the bail;

(h) The affidavit of undertaking filed by the first petitioner and joint memo of compromise filed by both parties shall form part and parcel of the record."

2. The learned Senior Counsel appearing for the petitioner would submit that the petitioner/de-facto complainant has filed the present petition on the ground that after granting anticipatory bail, the respondents 2 to 4/A1, A2 & A4 have not complied with the conditions imposed on them.



3.It is seen from the order that this Court has granted anticipatory bail to the respondents 2 to 4 on condition that they shall execute sureties within a period of 15 days, failing which, the petition for anticipatory bail shall stand dismissed. Though the respondents 2 to 4 herein filed a petition for modification of the condition imposed by this Court in Crl.M.P.(MD)SRNo.6862 of 2023 on 14.02.2023, it was returned for certain defects on 21.02.2023. Ever after rectifying the said defects, the respondents 2 to 4 herein have failed to re-present the same.

4.In the earlier order, this Court granted 15 days time to execute the sureties and the said time limit has already lapsed and the modification petition had also not been re-presented within the time and hence, the anticipatory bail granted to the respondents 2 to 4 has been automatically cancelled. It is now clarified that there is no need to dismiss the petition for anticipatory bail granted to the respondents 2 to 4 herein.

5.Accordingly, the Criminal Miscellaneous Petition is closed.

sd/-
24/04/2023

/ TRUE COPY /

/05/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY,
MADURAI.

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

+1 CC to M/s.VELMURUGAN M, Advocate (SR-6619[I] dated 26/04/2023)
ORDER

IN

CRL MP(MD) No.4406 of 2023

IN

CRL OP(MD) No.13487 of 2022

Date :24/04/2023