



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2023

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.5057 of 2023

M.Parameswari ... Petitioner/Wife of Defacto Complainant

Vs.

1.The Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanyakumari District.
(Crime No.42 of 2023)

... Respondent/Respondent

2.Manikandan

3.Balasubramaniam

4.Subha Ganesh

5.Ramakrishnan

... Respondents/Petitioners 1 to 4
in Crl MP No.1286 of 2023

PRAYER : Criminal Original Petition filed under Section 439(2) of the Criminal Procedure Code, to cancel the anticipatory bail granted in Crl.M.P.(MD)No.1286 of 2023 dated 06.03.2023 by the learned Principal Sessions Judge, Kanyakumari at Nagercoil.

For Petitioner : Mr.S.P.Naveen Kumar

For R1 : Mr.Thanga Aravindh,
Government Advocate (Crl. Side)

For R2 to R5 : Mr.M.Solaisamy

ORDER

This Criminal Original Petition has been filed to cancel the anticipatory bail granted in Crl.M.P.(MD)No.1286 of 2023 dated 06.03.2023 by the learned Principal Sessions Judge, Kanyakumari at Nagercoil.

2.This petition is filed on the ground that the respondents 2 to 5 were granted anticipatory bail on the false representation that the defacto complainant discharged from the hospital for the injury sustained by him during the occurrence.



3.The learned counsel appearing for the petitioner would submit that subsequent to the granting of anticipatory bail, the accused persons threatened the defacto complainant to withdraw the earlier complaint and also assaulted him. Therefore, another FIR was also registered in Cr. No.42 of 2023.

4.The learned counsel appearing for the respondents 2 to 5 would submit that there was a previous enmity between them. The son of the defacto complainant, who is claiming to be an Advocate, doing all illegalities. Therefore, the respondents 2 to 5 lodged complaint before the Tamil Nadu Bar Council Association and due to the same, another FIR was registered as against the respondents 2 to 5, without any occurrence. In fact, the Court below granted anticipatory bail, after referring all the objections raised by the petitioner herein. There was no injury and as such, he was immediately discharged from the Government Medical College. Subsequently, he was admitted in the private college for other illness.

5.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that as directed by the Court below, the respondents 2 to 5 are duly complying the conditions and the investigation is pending.

6.It is seen that the respondents 2 to 5 initiated proceedings as against the son of the defacto complainant by questioning his profession as Advocate. That apart, the defacto complainant discharged from the hospital. Thereafter, he admitted in the hospital for other illness. Therefore, the Court below rightly granted anticipatory bail to the respondents 2 to 5 and this Court finds no ground to cancel the same. Accordingly, this criminal original petition is dismissed.

sd/-

31/03/2023

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/04/2023

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

gns

To

1.The Principal Sessions Judge,
Kanyakumari at Nagercoil.

2.The Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanyakumari District.



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

WEB COPY

ORDER

IN

CRL OP (MD) No.5057 of 2023

Date :31/03/2023

SS/BUC/SAR I/17/04/2023/3P/4C