



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Date : 10.03.2023

CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WEB COPY Cr1.O.P. (MD) Nos. 6583, 6586, 6591 and 6592 of 2022

Munusamy ... Petitioner/Intervenor/
De-facto complainant
in all petitions
vs.

- 1.State Rep. by its,
The Inspector of Police,
Pudukottai DCB Police Station,
Pudukottai District.
Crime No.3 of 2022 ... Respondent/Respondent/Complainant
- 2.Mohamed Najimudeen ... 2nd Respondent/Petitioner/A4
in Cr1.O.P. (MD) No.6583 of 2022
- 3.Mohamed Thaiuf ... 2nd Respondent/Petitioner/A5
in Cr1.O.P. (MD) No.6586 of 2022
- 4.Prema ... 2nd Respondent/Petitioner/A6
in Cr1.O.P. (MD) No.6591 of 2022
- 5.Velusamy
- 6.Chandrasekar @ Chandrasekaran
- 7.Somasundaram ... Respondents 2 to 4/
Petitioners 1 to 4/A1 to A3
in Cr1.O.P. (MD) No.6592 of 2022

COMMON PRAYER : These Criminal Original Petitions have been filed under Section 439(2) r/w 482 of Cr.P.C., to cancel the anticipatory bail granted to A1 to A6/respondents 2 to 7 in Cr.M.P.Nos.986, 1033, 1073 and 1076 of 2022 dated 14.03.2022, 16.03.2022 and 21.03.2022 on the file of the learned Principal District and Sessions Judge, Pudukottai.

For Petitioner (in all petitions)
: Mr.V.Sasikumar

For R1 (in all petitions)
: Mr.B.Thanga Aravindh
Government Advocate (Cr1. side)

For R2 (in Cr1.O.P. (MD) Nos.6583 and 6586 of 2022)
: Mr.R.Balakrishnan



For R2 (in Cr1.O.P. (MD) No. 6591 of 2022)
: Mr. S. Deenadhayalan

For R2 to R4 (In Cr1.O.P. (MD) No. 6592 of 2022)
: Mr. K. C. Maniyarasu

WEB COPY

COMMON ORDER

These Criminal Original Petitions have been filed to cancel the anticipatory bail granted to the respondents 2 to 7/A4 to A6 and A1 to A3 in Cr.M.P.Nos.986, 1033, 1073 and 1076 of 2022 dated 14.03.2022, 16.03.2022 and 21.03.2022 on the file of the learned Principal District and Sessions Judge, Pudukkottai.

2. On the basis of the complaint lodged by the petitioner/de-facto complainant, the first respondent police registered an FIR in Crime No.3 of 2022 for the offences under Sections 120B, 417, 419, 420, 465, 468, 471, 109 and 506(i) of IPC. Pursuant to the registration of the FIR, the respondents 2 to 7/A4 to A6 and A1 to A3 have approached the Court below for anticipatory bail in Cr.M.P.Nos.986, 1033, 1073 and 1076 of 2022. The Court below has granted anticipatory bail to the respondents 2 to 7/A4 to A6 and A1 to A3 in Cr.M.P.Nos.986, 1033, 1073 and 1076 of 2022 by an order dated 14.03.2022, 16.03.2022 and 21.03.2022 on condition that the respondents 2 to 7/A4 to A6 and A1 to A3 shall appear before the learned Judicial Magistrate No.II, Pudukkottai within 15 days from the date of receipt of a copy of that order. Accordingly, the respondents 2 to 7/A4 to A6 and A1 to A3 have also appeared before the learned Judicial Magistrate No.II, Pudukkottai and also complied with the conditions.

3. The learned counsel for the petitioner/de-facto complainant would submit that the fourth accused was not in India at the time of filing the petition for anticipatory bail and he was in Singapore. Suppressed the said fact, he filed an application for anticipatory bail as if he was in India and obtained anticipatory bail. In fact, this Court has ordered notice to the fourth accused and notice could not be served on the fourth accused for the reason that he was not in India. Therefore, this Court printed the name of the fourth accused in the cause list as if the fourth accused is abroad for the past three years. Therefore, he filed these petitions to cancel the anticipatory bail granted to the accused persons.

4. Though this Court printed the name of the fourth accused in the cause list, as if, he is abroad for the past three years, it is not proved by the petitioner/de-facto complainant herein by production of any material evidence to show that the fourth accused was abroad at the time of filing the anticipatory bail.



5. On perusal of records reveals that the fourth accused is engaged his counsel in order to file a petition for anticipatory bail before the Court below and thereafter, he filed a petition for anticipatory bail.

6. Considering the above facts and circumstances of the case, the Court below has rightly granted anticipatory bail to all the accused persons. Therefore, this Court finds no reasonable grounds to cancel the anticipatory bail granted to the respondents 2 to 7/A4 to A6 and A1 to A3 in Cr.M.P.Nos.986, 1033, 1073 and 1076 of 2022 dated 14.03.2022, 16.03.2022 and 21.03.2022.

7. Hence, these Criminal Original Petitions are dismissed. However, the first respondent is directed to complete the investigation and file a final report before the concerned Court within a period of twelve weeks from the date of receipt of a copy of this order.

sd/-
10/03/2023

/ TRUE COPY /

/03/2023

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

sjj

To

1. The Principal District and Sessions Judge, Pudukottai.
2. The Inspector of Police,
Pudukottai DCB Police Station,
Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO M/S.R.BALAKRISHNAN, Advocate SR NO. 14729(F)

+1 CC TO M/S.S.DEENADHAYALAN, Advocate SR NO. 15015(F)

ORDER IN
Cr1.O.P. (MD) Nos. 6583, 6586,
6591 and 6592 of 2022
DATE : 10.03.2023

NA/BUC/SAR-2/29.03.2023/3P/6C

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