



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

Tuesday, the Fourth day of July Two Thousand and Twenty
PRESENT



The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.7366 of 2023
IN

CRL OP(MD) No.9599 of 2019
IN

CRL OP(MD) 9599 OF 2019

K.VISHALAKSHMI

... PETITIONER/RESPONDENT NO.2

Vs

1 MUTHUTHAYAMMAL

... RESPONDENT NO.1/PETITIONER

2 SINGARAJ

... RESPONDENT NO.2/RESPONDENT NO.1

3 STATE REP. BY

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SANKARANKOVIL,
TIRUNELVELI DISTRICT.
CRIME NO.3 OF 2019.

... RESPONDENT NO.3/RESPONDENT NO.3

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to clarify the order passed in Crl.M.P.(MD)No.9786 of 2019 in Crl.O.P(MD)No.9599 of 2019 dated 16.03.2023 by this Honble Court and thus render justice.

Prayer in CRL MP(MD). 9786/ 2019 :

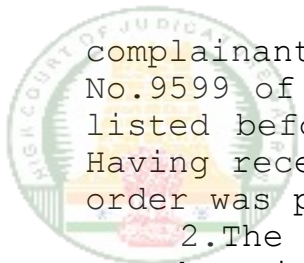
to cancel the anticipatory bail order issued by this Honble Court in Cr.No.3 of 2019 pending on the file of the 3rd Respondent police in Crl.OP(MD)No.9599 of 2019 dt 12.07.2019

Prayer in CRL OP(MD). 9599/ 2019 :

For Anticipatory bail in Cr.No.03 of 2018 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.THIRUMURUGAN.T, Advocate for the petitioner and of M/S.M.VAIKKAM KARUNANITHI, Government Advocate (Crl.Side) on behalf of the 3rd Respondent the court made the following order:-

This petition has been filed to clarify the order passed in Crl.M.P.(MD).No.9786 of 2019 in Crl.O.P.(MD).No.9599 of 2019, on the ground that the cancellation of anticipatory bail that was granted to the petitioner was sought to be cancelled by the defacto



complainant by filing Crl.M.P.(MD).No.9786 of 2019 in Crl.No.9599 of 2019, by stating false allegations. When the matter was listed before this Court, notice was ordered to these petitioners. Having received the notice, they failed to appear. So the above said order was passed on 16.03.2023.

2.The learned counsel for the petitioner would submit that even at the time of filing of the anticipatory bail finding that the issue between the husband and wife is with regard to the child born to this petitioner through her husband. So filed an undertaking affidavit to the effect that she will receive back the child, there was no relationship or marital status between the petitioner and first accused. On the basis of the above said affidavit, orders has been passed by this Court imposing the above said conditions.

3.The learned counsel for the petitioner submitted that after the above said order, the child is in her custody and with regard to the issue between the husband and wife, she is not aware of the same. He would further submit that defacto complainant has also given an undertaking she will go back to her husband's residence and live with him. So far this petitioner is concerned, she fully complied the above said undertaking affidavit by receiving back the child. So the above said order of cancellation must be made applicable only to the first accused namely Singaraja.

4.The facts and circumstances clearly indicates that the request made by the petitioner appears to be genuine. There was mis-understanding only between the defacto complainant and the first accused Singaraja. Nothing more for this petitioner to comply. It is clarified that the above said order of cancellation will apply only to the first accused Singaraja and not to this petitioner/second accused. With the above said clarification this petition stands disposed of.

sd/-
04/07/2023

/ TRUE COPY /

/07/2023

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

To

1.The Judicial Magistrate,
Sankarankovil.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
All Women Police Station,
Sankarankovil, Tirunelveli District.



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



+1. C.C. to M/S.THIRUMURUGAN.T Advocate SR.No.10316

ORDER

IN

CRL MP (MD) No.7366 of 2023

IN

CRL OP (MD) No.9599 of 2019

Date :04/07/2023

WEB COPY

MGJ(07.07.2023) 3P 6C