



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

Thursday, the Eighth day of June Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.7871 & 7908 of 2023

IN

CRL OP(MD) No.6801 of 2023

V.SASI

... PETITIONER/DEFACTO COMPLAINANT
IN CRL MP(MD)No. 7871 of 2023

RENOLD THADEUSE @ RENOLD

...PETITIONER/1st PETITIONER/ACCUSED NO.1
IN CRL MP(MD)No. 7908 of 2023

Vs

1 RENOLD THADEUSE @ RENOLD (A1)

2 THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
SAMATHUVAPURAM,
KANYAKUMARI DISTRICT

... RESPONDENTS NOS. 1 & 2
IN CRL MP(MD)No. 7871 of 2023

THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
SAMATHUVAPURAM,
KANYAKUMARI DISTRICT

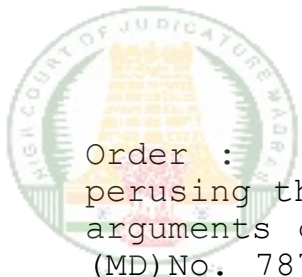
...RESPONDENT/RESPONDENT/COMPLAINANT
IN CRL MP(MD)No. 7908 OF 2023

PRAYER IN CRL MP(MD)No. 7871 of 2023:

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Bail granted to the respondent/accused No.1 vide order dated 18.04.2023 passed by this Honble Court in the Crl.OP(MD)No.6801 of 2023 and pass order for arrest of the respondent/accused no.1 be committed to custody till the completion

Prayer in CRL MP(MD). 7908/ 2023 :

To Extend the time granted by this Honble Court in Crl.OP.(MD). No.6801 of 2023 dated 18.04.2023 enabling the Petitioner / A1 to surrender and furnish the sureties before the Judicial Magistrate No.II, Kuzhithurai.



Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.CLEETUS W, Advocate for the petitioner in CRL MP (MD)No. 7871 of 2023 and of MR.NARAYANAKUMAR.K.P., Advocate for the Petitioner in CRL MP(MD)no 7908 of 2023 and for the 1st Respondent in CRL MP(MD)No. 7871 of 2023 and of MR.B.THANGA ARAVINDH, Government Advocate (Criminal Side) on behalf of the Respondents in both petitions, the court made the following order:-

Crl.M.P(MD)No.7871 of 2023 has been filed to cancel the anticipatory bail granted to the first respondent/accused No.1 in Crl.O.P(MD)No.6801 of 2023, dated 18.04.2023.

2.Crl.M.P(MD)No.7908 of 2023 has been filed to extend the time granted by this Court in Crl.O.P(MD)No.6801 of 2023, dated 18.04.2023 enabling the petitioner/Accused No.1 to surrender and furnish the sureties before the learned Judicial Magistrate No.II, Kuzhithurai.

3.The case of the prosecution is that there was a matrimonial dispute between the petitioner and his wife. Thereafter, the petitioner obtained an ex-parte decree of divorce in O.P.No.66 of 2015 on the file of the learned District Judge, Kanyakumari at Nagercoil. While being so, even then the petitioner was ready and willing to take the wife to the matrimonial home, the first accused called the defacto complainant to his house to compromise the matrimonial issue. On arrival of the petitioner, all the accused brutally attacked him and also threatened him with dire consequences. Hence, the complaint.

4.On the complaint, the second respondent registered the F.I.R in Crime No.41 of 2023 for the offences under Sections 294(b), 323 and 506(i) of I.P.C. Immediately, all the accused persons approached this Court for anticipatory bail.

5.This Court considered the submission made by the learned Government Advocate (Criminal Side) and recorded that it is a matrimonial dispute between the family members and granted anticipatory bail to all the accused persons. Accused Nos.2 to 4 executed sureties and complied with the conditions. However, the first respondent being the first accused failed to surrender before the learned Magistrate and did not comply with the conditions imposed by this Court. The petitioner was attacked by the first accused brutally with deadly weapons. Therefore, he sustained the following injuries:-

"1.Fracture (R) maxilla - soft tissue contusion with discoloration over the underlying fracture site (Measuring 3 X 2 X 1 cm).



2.Closed displaced fracture shaft radius M/3 forearm - soft tissue contusion with discoloration over the underlying fracture site (Measuring 3 X 2 X 1 cm).

3.Soft tissue hematoma (L) frontal & temporal regions.

4.Undisputed fracture of 9th & 10th ribs (R) chest - soft tissue contusion with discoloration over the underlying fracture site (Measuring 3 X 2 X 1 cm).

5.Undisplaced fracture 6th rib (L) chest - soft tissue contusion with discoloration over the underlying fracture site (Measuring 3 X 2 X 1 cm).

6.The petitioner was given first aid and thereafter, he was admitted in Isaac Hospital at Marthandam as an in-patient on 05.04.2023, and he was discharged only on 19.04.2023. Unfortunately, the entire fact was not brought to the knowledge of this Court. That apart, the first respondent/Accused No.1 is a very influential person and as such, though the petitioner suffered two fracture injuries, the second respondent did not even register the F.I.R for the offence under Section 307 of I.P.C. Therefore, the petitioner made out a prima facie case to cancel the anticipatory bail granted to the first respondent/first accused.

7.Accordingly, anticipatory bail granted to the first respondent/Accused No.1 is hereby cancelled and Crl.M.P(MD)No.7871 of 2023 is allowed. The second respondent is at liberty to secure the first respondent/first accused and proceed in accordance with law.

8.In view of the order passed in Crl.M.P(MD)No.7871 of 2023, Crl.M.P(MD)No.7908 of 2023 is dismissed.

sd/-
08/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

TO
1 THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI.



- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI
DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION, SAMATHUVAPURAM,
KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.W.CLEETUS, Advocate (SR-8368[I] dated 09/06/2023)
+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-8433[I] dated
09/06/2023)

ORDER
IN
CRL MP(MD) No.7871
& 7908 of 2023
IN
CRL OP(MD) No.6801 of 2023
Date :08/06/2023

PKP/CG/SAR- /13.06.2023/ **4P/7C**