



CRL OP(MD). No.10717 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2023

CORAM

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.10717 of 2023

Marikannan

.. Petitioner/Intervener/Defacto complainant

Vs

1. Vaikundarajan

...Respondent/Petitioner/ Accused No.3

**2. The Inspector of Police,
Palayamkottai Police Station,
Thirunelveli District.
(Crime No. 402 of 2021)**

.. Respondent/Respondent/Complainant

PRAYER :-

This Criminal Original Petition is filed under Section 439(2) of Cr.P.C., to cancel the anticipatory bail granted in favour of the respondent No.1 / A3 by the Principal Sessions Judge, Thirunelveli, by its order, dated 01.07.2021 made in Crl.M.P.No.3790 of 2021.

For petitioner : Mr.K. Althaf Sherif,Advocate
For respondent No. 1 : Mr.M. Maharaja, Advocate

For 2nd respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor



CRL OP(MD). No.10717 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to cancel the anticipatory bail granted in favour of the respondent No.1 / A3 by the Principal Sessions Judge, Thirunelveli, by its order, dated 01.07.2021 made in Crl.M.P.No.3790 of 2021.

2. The learned counsel appearing for the petitioner submitted that the petitioner herein has violated the condition imposed by this Court and hence, he prays for cancellation of anticipatory bail granted to the first respondent.

3. The learned Additional Public Prosecutor filed a status report and stated that the 1st respondent herein has complied with the condition made in Crl.M.P.No.3790 of 2021, dated 01.07.2021 passed by the Principal Sessions Judge, Thirunelveli by due process of law and signed in the note book produced herewith as document IV A and there is no defect or no chance of any mis-use.

4. Since the respondent police has filed a status report stating that the petitioner herein has not violated the condition, that there is no ground of for cancellation of anticipatory bail granted to the first respondent. Further, in view of the Judgments



CRL OP(MD). No.10717 of 2023

laid down by the Hon'ble Supreme Court reported in 1978 AIR 1961 equivalent to 1978 SCR(3) 950 in the case of State through Delhi Vs. Sanjay Gandhi and others and 1955 SCC (1) 349, JT 1995(1) 127 in the case of (Dolat Ram Vs. State of Hariyana), very cogent and supervening circumstances are necessary for an order directing the cancellation of bail already granted. However, once the bail granted should not be cancelled in a mechanical manner without considering whether any intervening circumstances have rendered out no longer conducive to fair trial to allow the accused to retain his freedom by enjoying the concession during the trial. Therefore, the grounds stated in the petition does not made the parameter laid down by the Hon'ble Supreme Court. Hence, this Criminal Original Petition is dismissed.

sd/-
13/12/2023

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.10717 of 2023

WEB COPY

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

ORDER
IN
CRL OP(MD) No.10717 of 2023
Date :13/12/2023

PKP/JGB/SAR- /08.01.2024/ 4P/ 3C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023