



CRL MP(MD) No.10968 of 2023

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

Tuesday, the Twelfth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL MP(MD) No.10968 of 2023

IN

CRL OP(MD) No.6801 of 2023

V.SASI

... Petitioner / Defacto Complainant

Vs

1 WILFRED

2 VIJAYAN

3 JULA

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

... Respondents / Respondents

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail granted to the Respondent/ Accused No.1 to 3/ 2 to 4 vide order dated 18.04.2023 passed by this Honble Court in the Crl.O.P.No.6801 of 2023 and pass order for arrest of the Respondent / Accused No.1 to 3 /2 to 4 be committed to custody till the completion of the investigation of the case in the interest of justice.

Order : This criminal miscellaneous petition coming up for orders on this day,



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upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.CLEETUS.W, Advocate for the petitioner and of Mr.C.MUTHU SARAVANAN, Advocate on behalf of the Respondent Nos.1 to 3 and of Mr.R.SURESH KUMAR, Government Advocate (Crl. side) on behalf of the Respondent No.4, the court made the following order:-

This Petition has been filed to cancel the anticipatory bail granted in Crl.O.P (MD)No.6801 of 2023, dated 18.04.2023 on the file of this Court.

2. The learned counsel appearing for the petitioner submitted that all the accused persons attacked the defacto complainant and he sustained grievous injuries. However, the accused persons suppressed the entire fact and got anticipatory bail and hence, he prays for cancellation of anticipatory bail granted to them.

3. The learned Government Advocate(Crl.side) appearing for the respondent police would submit that it is a case of matrimonial dispute and the investigation has been completed and charge sheet also filed.

4. Heard both sides and perused and materials available on record.

5. In view of the Judgments 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,



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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 their 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 and hence, this Petition is dismissed.

sd/-
12/12/2023

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

GNS

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.



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ORDER
IN
CRL MP(MD) No.10968 of 2023
IN
CRL OP(MD) No.6801 of 2023
Date :12/12/2023

ED/ JGB /SAR- (02/01/2024) 4P / 5C

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