



Crl.O.P.(MD)No.15076 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.15076 of 2023

Thangayesubaran

... Petitioner/Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police,
District Crime Branch,
Kanyakumari District,
Crime No.09 of 2022.

... Respondent/Respondent/Complainant

2.Radhakrishnan

... Respondent/Respondent/ Accused No.1

PRAYER : Criminal Original Petition is filed under Section 439 (2) read with 482 of Cr.P.C, to call for the records pertaining to the anticipatory bail in Crl.M.P.No.5170 of 2021, on the file of the Principal District and Sessions Court, Nagercoil dated 01.02.2021 and cancel the anticipatory bail granted to the second respondent.

For Petitioner : Mr.S.Ayyanar Prem Kumar
For R1 : Mr.S.Manikandan
Government Advocate (Crl. Side)

ORDER

Expressing grievance over non recovery of the amount that was involved in the above said offence, this petition has been filed seeking cancellation of anticipatory bail.

2. The learned counsel for the petitioner would submit that by mentioning the crime number in not known stage, the second respondent herein was granted anticipatory bail by the learned Principal District Judge, Kanyakumari in



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Cr.M.P.No.5170 of 2021 with certain conditions on 01.12.2021. Subsequently, after registration of First Information Report another anticipatory bail was moved by the second respondent before the Principal District and Sessions Court, Kanyakumari at Nagercoil in CrI.M.P.No.922 of 2022 that came to be dismissed on 26.02.2022, observing that the above said order is applicable to the present crime number also. Later, this petitioner appears to have moved cancellation of anticipatory bail that was also came to be dismissed. Now expressing the above said grievance, this petition has been filed.

3.But perusal of CD file shows that subsequent to the above said bail application, this petitioner filed several applications before this Court seeking direction to file the Final Report, that was also considered and direction was issued. Later, he filed a petition for speedy disposal that was also considered.

4.In view of the above said development, even though the grievance of the petitioner is genuine in nature in non recovery of the amount during the course of investigation, this petitioner ought to have brought to the notice of this Court at that time of moving the petitions seeking direction. Now the trial is about to be commenced before the trial Court. Let the petitioner approach the concerned trial Court, if still having any grievance over non recovery of the money.



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5. With the above said liberty, this Criminal Original Petition stands dismissed.

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

Indu

To

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, NAGERCOIL.

2 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.15076 of 2023

Date :18/08/2023

RS/VRS/SAR-(07.09.2023) 3P 4C

Madurai Bench of Madras High Court is issuing
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