



WEB COPY

Crl.M.P(MD)



19

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

DATED: 16.03.2023

CORAM:

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P(MD)No.9786 of 2019
in
Crl.O.P(MD)No.9599 of 2019

Muthuthayammal ...Petitioner / Defacto Complainant
Vs.

1.Singaraj

2.Vishalakshi ... Respondent 1 & 2 / Petitioners /
Accused No.1 & 2

3.State represented by
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tirunelveli District. ... 3rd Respondent / Respondent /
Complainant

PRAYER : Criminal Miscellaneous Petition filed under Section 439(2)
r/w 482 of Criminal Procedure Code, praying to cancel the order of
anticipatory bail granted in Crl.O.P(MD)No.9599 of 2019, dated
12.07.2019.

For Petitioner : Mr.A.R.Kannappan, Advocate

For R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

For R1 & R2 : No Appearance

O R D E R

This petition has been filed to cancel the order of
anticipatory bail granted in Crl.O.P(MD)No.9599 of 2019, dated
12.07.2019 on the ground that the respondent Nos.1 and 2 failed to
comply with the conditions imposed by this Court. That apart, the
first respondent/A1 filed an affidavit stating that the adopted
child will be handed over to the second respondent herein. The
second respondent/A2 also filed an affidavit stating that she did



not marry the first respondent herein and on the contrary. Is the wife of one Kannan and only at the request of the first respondent and his wife, she came forward to give her daughter for adoption.

2. The learned counsel for the petitioner submitted that the first respondent/A1 did not comply with the conditions as imposed by this Court even for a single day. The entire investigation has been stalled without filing any final report.

3. The learned Government Advocate (Crl.side) submitted that the respondents 1 and 2 herein did not appear for interrogation even for a single day. Though notice served to the respondents 1 and 2, no one appear on behalf of the respondents by person or through counsel. Admittedly, the respondents 1 and 2 were granted anticipatory bail by this Court by an order, dated 12.07.2019 in Crl.O.P(MD)No.9599 of 2019 on the following condition:

'7.Taking into consideration the aforesaid affidavits and also the submission made by the learned counsel for the intervenor that now the defacto complainant is prepared to go to the matrimonial home and live with her husband (petitioner No.1), this Court is inclined to grant anticipatory bail to the petitioners''.

4. However, the first and second respondents did not comply with the conditions imposed by this Court so far. Therefore, anticipatory bail granted by this Court in Crl.O.P(MD)No.9599 of 2019, dated 12.07.2019, is hereby cancelled. The third respondent is at liberty to secure the Accused Nos.1 and 2 and proceed in accordance with law.

5. Accordingly, this Criminal Miscellaneous Petition stands allowed.

sd/-
16/03/2023

/ TRUE COPY /

/04/2023

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

VSD

To

1.The Judicial Magistrate,
Sankarankovil, Tirunelveli District.

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



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 CC to M/s.A.R. KANNAPPAN, Advocate (SR-4349[I] dated
16/03/2023)

ORDER

IN

CRL MP (MD) No.9786 of 2019

IN

CRL OP (MD) No.9599 of 2019

Date :16/03/2023

ED/CG/SAR-2 (12/04/2023) 3P 6C