



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

Date : 28/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15599 of 2023

Somasundaram

... Intervener/Defacto Complainant

Vs

1. The State represented by
The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.
Crime No.not known of 2023..

... 1st Respondent/Respondent

2. A.Anbarasan

... 2nd Respondents/Petitioner

For Petitioner : M/s.Lenin Kumar.T,
Advocate.

For Respondents : Mr.S.Ravi,
Additional Public Prosecutor

PRAYER :- This Criminal Original Petition has been filed under Section 439(2) r/w.482 of Cr.P.C to cancel the order of anticipatory bail granted to the second respondent by the Principal District and Sessions Judge, Pudukottai in Crl.M.P.(MD) No.2237 of 2023 dated 11.07.2023.

ORDER

This Criminal Original Petition has been filed to to cancel the anticipatory bail granted to the second respondent by the learned Principal District and Sessions



Judge, Pudukottai in CrI.M.P.(MD)No.2237 of 2023 dated 11.07.2023.

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2. According to the petitioner the second respondent received money from so many customers to the tune of Rs.1,51,400/- and misappropriated the same. Therefore as per the advice of elders in the mediation the second respondent assured to refund the misappropriated amount on or before 12.07.2023. When he was waiting near grocery shop at Manalmelkudi Santhaipetti to receive the amount from the second respondent on 12.07.2023 at about 5.00 pm., the second respondent came there and started to abuse in filthy language and threatened. Thereafter the second respondent filed petition seeking anticipatory bail in CrI.M.P.No.2237 of 2023 before the learned Principal Sessions Judge, Pudukottai and when the above petition came up for hearing before the Sessions Judge on 11.07.2023 the first respondent represented that no First Information Report is registered against the second respondent . However the learned Principal Sessions Judge, Pudukottai granted anticipatory bail for the offences under Sections 294(b), 323, 506(i) of IPC. The petitioner lodged complaint before the first respondent on 14.07.2023 and CSR No.285 of 2023 was given to him. Since the second respondent was granted anticipatory bail he did not appear before the first respondent for enquiry. Taking advantage of the anticipatory bail order he is evading to appear before the first respondent , hence the anticipatory bail granted to the second respondent is liable to be cancelled.



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3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner contended that without any complaint and the First Information Report the learned Sessions Judge has granted anticipatory bail on 11.07.2023 for the offences under Sections 294(b), 323 and 506(i) of IPC but the petitioner lodged complaint only on 14.07.2023 for criminal breach of trust and cheating. Taking advantage of the anticipatory bail granted for the offences under Sections 294(b), 323, 506(i) IPC this second respondent failed to attend hearing before the police, therefore the anticipatory bail granted to the second respondent is liable to be cancelled.

4. The learned Additional Public Prosecutor appearing for the first respondent would contend that the anticipatory bail granted by the Principal Sessions Court, Pudukottai is relating to offences under Sections 294(b), 323 and 506(i) of IPC and not for the present complaint given by the petitioner

5. Considering the nature of petition this Court without ordering notice to the second respondent heard the petitioner in respect of maintainability. On the date of granting anticipatory bail there is no complaint filed by the petitioner before the concerned police and anticipatory bail was granted by the Sessions Court on 11.07.2023. But the present complaint was lodged by the petitioner only on 14.07.2023 for the occurrence that took place on 12.07.2023.. Therefore the anticipatory bail



granted by the learned Sessions Judge, Pudukottai is not related to this complaint given by the petitioner dated 14.07.2023 for the occurrence that took place on 12.07.2023 and the anticipatory bail was granted for some other offences. Therefore the question of cancelling anticipatory bail granted by the learned Principal District and Sessions Judge, Pudukottai for some other offences would not arise , hence the petition is not maintainable and liable to be dismissed.

6. Accordingly the Criminal Original Petition stands dismissed.

sd/-

28/08/2023

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/09/2023

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

AAV

TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1. CC to M/S.LENIN KUMAR.T Advocate SR.No.40479

ORDER
IN

CRL OP(MD) No.15599 of 2023

Date :28/08/2023

SS/DD/19/09/2023/5P/5C

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