



CRL MP(MD) No.14096 of 2023

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

Monday, the Eighteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL MP(MD) No.14096 of 2023

IN

CRL OP(MD) No.9551 of 2023

M.SANJAY PATIL

... PETITIONER/
DEFACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE
CBCID,
THANJAVUR,
CRIME NO.1/2022.

...1ST RESPONDENT/COMPLAINANT

2 KARUNANITHI.M

...2ND RESPONDENT/ACCUSED NO.3

3 SENTHIL KUMAR.S

...3RD RESPONDENT/2ND PETITIONER

4 RAMAKRISHNAN.G

...4TH RESPONDENT/3RD PETITIONER

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 3rd Accused /2nd respondent and unknown ranked 3rd and 4th respondent accused vide order dated 02.06.2023 in the Criminal Original Petition Crl OP No.9551/2023 by this Honble High Court.



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Order: This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ANIL RELWANI, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent No.1 and MR.M.KARUNANITHI, Advocate for the Respondents 2 to 4, the court made the following order:-

This petition is filed to cancel the anticipatory bail granted to the third accused/2nd respondent and unknown ranked 3rd and 4th respondents/accused vide order dated 02.06.2023 in the above mentioned criminal original petition by this Court.

2. The learned counsel appearing for the petitioner submitted that the respondents 2 to 4/accused had not come with clean hands and misguided this Court as there is property dispute between the defacto complainant and other accused persons. He further submitted that this respondent are not named in the FIR No.374 of 2022. Since the respondents/accused obtained anticipatory bail suppressing the fact, the petitioner prayed to cancel the anticipatory bail granted in favour of the respondents/accused in the above criminal original petition dated 02.06.2023.

3. The learned counsel appearing for the respondents/accused submitted that in the present case, investigation has been completed. He further submitted that the



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respondents are not involved in the offences and there is civil dispute between the defacto complainant and the first accused and a civil suit is also pending with regard to the disputed property. Therefore, there is no ground to cancel the anticipatory bail granted to the respondents/accused, hence, the learned counsel prays for dismissal of this petition.

4. The learned Additional Public Prosecutor appearing for the first respondent police submitted that the respondent police filed a status report of the case, in which, para 18, it has been stated that 15 documents have been examined and after getting TNFSL report, Final Report will be filed. He further submitted that the respondents/accused are involved in this case. Hence, he prays for allowing of this petition.

5. I have considered the rival submission of both sides.

6. On perusal of the records, it reveals that the petitioner is the defacto complainant and the respondents 2 to 4 are the accused. In pursuance of the complaint given by the defacto complainant, a case has been registered in Crime No.1



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of 2023 for the offences under Sections 147, 406, 427, 120(B), 408, 420, 465, 468, 471, 454, 380, 381 and 34 IPC. The respondents 2 to 4/accused approached this Court and filed a petition for anticipatory bail. This Court has also granted anticipatory bail to the respondents 2 to 4/accused vide order dated 02.06.2023. The relevant portion of the said order extracted hereunder:-

“4. It is seen that there was a property dispute between the petitioner and the defacto complainant. In fact, the first petitioner also filed a suit in respect of the very same property and it is pending. According to the defacto complainant, the accused persons had executed sale agreement in their favour instead of mortgage deed by the defacto complainant. That apart, the petitioners also lodged a complaint as against the defacto complainant.”

7. A perusal of the above said order, it reveals that there is a civil dispute pending between the first accused and other persons and civil suit is filed and the same is pending. Further, in this case, investigation has been completed and final report has to be filed after getting TNFSL report. Further, in the counter filed by the first respondent police, they have not stated anything that the respondents/accused will abscond to avoid trial and also attempting to suppress the evidence and threatened the witness.



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8. In such circumstances, with regard to the cancellation bail, the observations of the Hon'ble Supreme Court have to be noted. 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, 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/-
18/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

skn



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TO

1. The Judicial Magistrate, Thiruvaiyaru.

2. Do-Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3. The Inspector of Police, CBCID, Thanjavur.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.K.JEGANNATHAN, Advocate (SR-18093[I] dated 20/12/2023)

ORDER

IN

CRL MP(MD) No.14096 of 2023

IN

CRL OP(MD) No.9551 of 2023

Date :18/12/2023

RK/VR (26/12/2023) 6P /7 C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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