



CRL OP(MD). No.17448 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2023

CORAM

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17448 of 2023

Julianthangaraj

... Petitioner/defacto complainant

Vs

1.Jesumuthukumar

2.Franklin

3.Gnana jegan

4.George

5.Edmond

... Respondents/Petitioners

6.State through

The Inspector of Police

Panagudi Police Station,

Tirunelveli District.

Crime No.145 of 2023

... Respondent /Respondent

PRAYER :- This Criminal Original Petition is filed under Section 439(2) r/w. 482 Cr.P.C., to cancel the anticipatory bail granted by the Principal Sessions Judge, Thirunelveli in CrI.M.P.No.4428 of 2023, dated 06.04.2023 to respondents 1 to 5 herein in Crime No.145 of 2023 on the file of the 6th respondent police.

For Petitioner

: Mr. C.T.PERUMAL, Advocate

For Respondent 6

: Mr.RMS.SETHURAMAN, Advocate

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to cancel the anticipatory bail granted by the Principal Sessions Judge, Thirunelveli in Crl.M.P.No.4428 of 2023, dated 06.04.2023 to the respondents 1 to 5 herein in Crime No.145 of 2023 on the file of the 6th respondent police.

2. The learned counsel appearing for the petitioner submitted that the respondents 1 to 5 have not complied the condition imposed by the Court below even for a single day and the first respondent is practising as Advocate and using his position he is now influencing the prosecution witnesses to backtrack their statements made in support of the prosecution and hence, he prays for cancellation of anticipatory bail granted to them.

3. The learned Additional Public Prosecutor appearing for the 6th respondent would submit that the investigation in this case has already been completed and the charge sheet was filed before the Judicial Magistrate, Valliyoor and the case is posted for hearing on 02.01.2024.

4. 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



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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 his freedom by enjoying the concession during the trial.

5. Therefore, the grounds stated in the petition does not made the parameter laid down by the Hon'ble Supreme Court. Hence, this Criminal Original Petition is dismissed.

sd/-
29/11/2023

/ TRUE COPY /

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

TRP
TO
1 THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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



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+1. CC to M/S.R.PON KARTHIKEYAN, Advocate SR.No.54049 (F) DT.30/11/2023

+1. CC to M/S.PERUMAL.C.T Advocate SR.No.54406 (F) DT.01/12/2023

ORDER
IN
CRL OP(MD) No.17448 of 2023
Date :29/11/2023

SA/DD/SAR. /21.12.2023/4P/6C

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