



CRL MP(MD) No.15166 of 2023

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

Thursday, the Fourteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL MP(MD) No.15166 of 2023

IN

CRL OP(MD) No.22091 of 2022

W.JOHNSON CHRISTOPHER

... PETITIONER/INTERVENER

Vs

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.
(CRIME NO.34 OF 2022)

...RESPONDENT/COMPLAINANT

2 MALLIKA

3 JERIN

4 JOSHUA

... 2 TO 4 RESPONDENTS/1 TO 3 PETITIONERS

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 by this Honble Court in favor of 3rd / 2nd petitioner in Crl.O.P.(MD).No.22091 of 2022 dated 03.01.2023.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.J.GUNASEELAN MUTHAIAH, Advocate for M/S.BHUVANESWARI.M,

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



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Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor for the 1st Respondent and of MR.T.SUGADEV, Advocate for the Respondents 2 to 4, the court made the following order:-

This petition is filed to cancel the anticipatory bail granted by this Court in favour of the third respondent/2nd petitioner in the above criminal original petition dated 03.01.2023.

2. The learned counsel appearing for the petitioner would submit that the respondents/accused has not complied with the condition, hence, he prays cancellation of the anticipatory bail granted to the third respondent/2nd petitioner.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the respondents/accused have not appeared before the respondent police and have not signed as directed by this Court. Hence, he prays for allowing this petition.

4. The learned counsel appearing for the respondents/accused would submit that as per the direction of this Court, the respondents/accused deposited a sum of Rs.2,50,000/- with regard to the purchase of the sale consideration before the criminal



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Court. He would further submit that due to illhealth, the third respondent/2nd petitioner has not appeared before the respondent police and has not signed as directed by this Court. 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.

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 and 3 are the accused. As per order dated 03.01.2023, the respondents have deposited a sum of Rs.2,50,000/- and appeared before the respondent police. Further, it is seen that there is a civil dispute pending between the parties with regard to the purchase of the land and none payment of the balance sale consideration. Further, it is noticed that in this case, investigation has been completed and charge sheet has also been filed and the same has been taken on file as C.C.NO.768 of 2023 by the Judicial Magistrate No.II, Dindigul.

7. 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

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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/-
14/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO
1 THE JUDICIAL MAGISTRATE,
NATHAM.

2 THE JUDICIAL MAGISTRATE NO.II
DINDIGUL



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- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.15166 of 2023
IN
CRL OP(MD) No.22091 of 2022
Date :14/12/2023

PKP/DD/SAR- /03.01.2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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