



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

Wednesday, the First day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.20 of 2023

IN

CRL OP(MD) No.17686 of 2022

LAXSHMI

... PETITIONER/INTERVENOR

Vs

1 STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CR NO.142/2022)

2 G.FLAVIAN @ FLAIDIAN

3 RAJANAYAGAM

4 PASUPATHY @ JEGAPATHI

5 A.SIRUMALAR

6 ATONY @ ANTONY RAJ

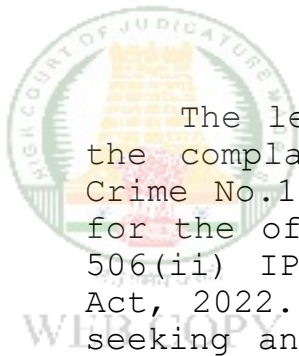
7 SWAMYNATHAN @ SAMYNATHAN

8 A.MARIYADOSS

... RESPONDENTS/PETITIONERS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Cancel The Anticibatory Bail granted in favour of the Respondents 2 to 8 herein/Accused 1 to 7 by this Honble Court in Crl OP(MD) No.17686/2022 dt.06.10.2022.

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.ILAYARAJA.R, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the 1st Respondent and Mr.S.SARVAGAN PRABHU, Advocate for the respondents 2 to 8, the Court made the following order:-



The learned counsel for the petitioner submitted that on the complaint given by petitioner/defacto complainant, a case in Crime No.142 of 2022 was registered against the respondents 2 to 8 for the offences under Sections 147, 294(b), 447, 427, 379(NP) and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment Act, 2022. Thereafter, the respondents 2 to 8 approached this Court seeking anticipatory bail in Crl.O.P(MD).No.17686 of 2022 and this Court, by order, dated 06.10.2022 allowed the petition after recording the undertaking given by the respondents 2 to 8/petitioners that they will not cause any kind of hindrance or nuisance to the defacto complainant with regard to her property until it is solved by the jurisdictional Court in the manner known to law.

2. After getting anticipatory bail, on 16.10.2022, the respondents 2 to 8/petitioners have trespassed into the petitioner's land and also damaged the door and stolen away the iron fencing net and wooden door and immediately, the petitioner herein made an emergency 100 Call to the first respondent herein. The learned counsel for the petitioner further submits that the respondents 2 to 8 are violating the undertaking given before this Court. Hence, the petitioner filed this petition.

3. The learned Government Advocate(Crl.Side) appearing for the first respondent submitted that based upon the complaint given by the petitioner/defacto complainant, proper enquiry was undertaken by the first respondent and during the course of enquiry, it was found that no such incident had happened on 16.10.2022. However, in the event of any violation of condition, the respondent police will take proper action.

4. Mr.S.Sarvaga Prabhu, learned counsel for the respondents 2 to 8/accused submitted that the allegations made by the petitioner are not true and also submitted that the petitioner only with an intention to cancel bail granted to the respondents 2 to 8, gave a false complaint. He further submitted while this Court considered the anticipatory bail petition, the respondents 2 to 8 have filed an undertaking affidavit and now they have also filed a fresh undertaking affidavit and the copy has also been served to the learned counsel for the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into the consideration the submission made by the learned Government Advocate(Crl.Side) appearing on behalf of the first respondent that no such incident had happened and also taking into consideration the undertaking affidavit filed by the respondents 2 to 8/petitioners, this Court does not find any reason for cancelling the anticipatory bail granted to the respondents 2 to

<https://www.mca.gov.in/judis> Crl.O.P(MD).No.17686 of 2022 dated 06.10.2022.



In view of the above, this Criminal Miscellaneous Petition stands dismissed.

sd/-

01/02/2023

/ TRUE COPY /

WEB COPY

/02/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
SRIVAIKUNDAM, TUTICORIN DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-1676[I] dated 02/02/2023)

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-1678[I] dated 02/02/2023)

ORDER

IN

CRL MP(MD) No.20 of 2023

IN

CRL OP(MD) No.17686 of 2022

Date :01/02/2023

SS/VR/SAR II(20.02.2023) 3P 7C