



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.131 of 2023

IN

CRL OP(MD) No.18484 of 2022

AYYAPPAN

... PETITIONER/
DEFACTO COMPLAINANT

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE
SELLUR POLICE STATION,
MADURAI CITY
(CRIME NO.769 OF 2022)

2 PRAVEEN @ THANGASAMY

3 NAVEEN @ THANGAVEL

...2ND & 3RD RESPONDENTS/
ACCUSED NO.1&2

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to set aside the order and cancel the Anticipatory Bail against the 2nd and 3rd respondents/Accused No.1 and 2 granted by this Honble High Court in Crl.OP(MD)No.18484 of 2022 dated 18.10.2022

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. SURESHKUMAR.P, Advocate for the petitioner and of M/S.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the Respondent No.1 and M/S.A.BALAJI, Advocate for the Respondents 2 & 3, the court made the following order:-

The learned counsel for the petitioner submitted that based on the complaint given by petitioner/defacto complainant, a case in Crime No.769 of 2022 was registered against the respondents 2 and 3 for the offences under Sections 341, 294(b), 323, 324, 506(2) and 109 IPC. Thereafter, the respondents 2 and 3 approached this Court seeking anticipatory bail in Crl.O.P(MD).No.18484 of 2022 and this Court, by order, dated 18.10.2022 allowed the petition with certain conditions. One of the conditions is that the respondents 2 and 3/petitioners shall appear before the first respondent police daily at 10.30 a.m., until further orders. After getting anticipatory bail order, the respondents 2 and 3 did not comply with the conditions. The further allegation is that without complying the conditions, the respondents 2 and 3/accused threatened the petitioner/defacto



complainant. Hence, the present petition has been filed to set aside the bail order.

2. The learned Government Advocate appearing for the first respondent police submitted that insofar as the second respondent is concerned, he is appearing before the first respondent police from 20.01.2023 to till date and insofar as the third respondent is concerned, he is appearing before the first respondent from 21.01.2023 and thereafter, he was absent for 4 days and later he started to appear before the respondent police from 29.01.2023 to till date.

3. Mr.A.Balaji, learned counsel for the respondents 2 and 3 submitted that the second respondent is continuously appearing before the first respondent police and the third respondent sustained injury in an accident and thereby, he was unable to appear before the first respondent police from 24.01.2023 to 28.01.2023 and thereafter, he is regularly appearing from 29.01.2023 to till date. He further submitted that the petitioner/defacto complainant are close relatives and due to family dispute, a false complaint has been given and also submitted that the respondents 2 to 3 also filed an undertaking affidavit stating that they will appear before the first respondent police regularly and they will not make any trouble to the petitioner/defacto complainant.

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

5. Taking into the consideration the submission made by the learned Government Advocate(Crl.Side) appearing on behalf of the first respondent and also taking into consideration the undertaking affidavit filed by the respondents 2 and 3/petitioners, this Court does not find any reason for cancelling the anticipatory bail granted to the respondents 2 and 3 in Crl.O.P(MD).No.18484 of 2022 dated 18.10.2022.

6. In view of the above, this Criminal Miscellaneous Petition is closed and the respondents 2 and 3 are directed to appear before the first respondent police daily at 10.30 a.m., and 5.30 p.m for a period of two weeks and thereafter, report before the respondent police on every Saturday at 10.30 a.m., until further orders.

sd/-
01/02/2023

/ TRUE COPY /

/02/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.2,
MADURAI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-1794[I] dated 03/02/2023)

ORDER

IN

CRL MP(MD) No.131 of 2023

IN

CRL OP(MD) No.18484 of 2022

Date :01/02/2023

RK/SBN/SAR-1 (16/02/2023) 3P/6C