



CRL MP(MD) No.16718 of 2023

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

Wednesday, the Twenty Ninth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL MP(MD) No.16718 of 2023

IN

CRL OP(MD) No.13346 of 2023

DHANALAKSHMI

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLIYOOR,
TIRUNELVELI DISTRICT.
CRIME NO.16 OF 2023.

... 1st RESPONDENT/RESPONDENT/COMPLAINANT

2 LINGESH

3 MASANAMUTHU

4 KRISHNAGOWRI

5 SATHEESH

... 2nd TO 5th RESPONDENTS/PETITIONERS/ACCUSED

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 order in Crl.OP.(MD).No.13346 of 2023 dt.13.10.2023 on the file of this Hon'ble Court.

Order : This petition coming up for orders on this day, upon perusing the petition

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filed in support thereof and upon hearing the arguments of M/S.SARANYA G, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the 1st Respondent and Mr.T.ANTONY ARULRAJ, Advocate for the Respondents No.2 to 5, the court made the following order:-

This Petition has been filed to cancel the anticipatory bail granted in Crl.O.P (MD).No.13346 of 2023, dated 13.10.2023 on the file of this Court.

2. The learned counsel appearing for the petitioner submitted that before the mediation Centre the respondents / accused have promised to arrange separate home and return the jewels to the petitioner. But, they have suppressed the said fact that the matter is pending before Mediation, got anticipatory bail before this Court hence, he prays for cancellation of anticipatory bail granted to them.

3. The learned Additional Public Prosecutor would submit that it is a case of matrimonial dispute between the husband and wife and the investigation of the case is pending.

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

5. 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,



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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/-
29/11/2023

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

TRP
TO
1 THE JUDICIAL MAGISTRATE NO.II,
VALLIYOOR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLIYOOR,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-17154[I] dated 01/12/2023)
<https://www.mhc.tn.gov.in/judis>



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ORDER
IN
CRL MP(MD) No.16718 of 2023
IN
CRL OP(MD) No.13346 of 2023
Date :29/11/2023

SA/DD/SAR. /19.12.2023/4P/6C

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