



CRL MP(MD) No.17122 of 2023

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

Wednesday, the Sixth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL MP(MD) No.17122 of 2023

IN

CRL OP(MD) No.20727 of 2023

RAJAMANICKAM

... PETITIONER/DE-FACTO COMPLAINANT

Vs

1 CHINNATHURAI

2 VEERASEKAR

...1ST & 2ND RESPONDENTS/
PETITIONERS/ ACCUSED NOS.2&1

3 THE INSPECTOR OF POLICE
EMBAL POLICE STATION,
PUDUKOTTAI DISTRICT,
CRIME NO.51/2023

... 3RD RESPONDENT/RESPONDENT/
COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the order of Anticipatory Bail made in Crl.OP(MD)No.20727/2023 dated 17.11.2023 on the file of this Honble Court and pass such further or other orders

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.T. VEERAKUMAR, Advocate for the petitioner and of MR.D.VENKATESH, Advocate for the Respondents 1 &2 and MR.RMS.SETHURAMAN, Additional Public Prosecutor, on behalf of the Respondent No.3, the court made the following order:-



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This Petition has been filed to cancel the anticipatory bail granted in CrI.O.P (MD).No.20727 of 2023, dated 17.11.2023 on the file of this Court.

2. The learned counsel appearing for the petitioner submitted that at the time of granting anticipatory bail to the accused persons in CrI.O.P(MD).No. 20727 of 2023, dated 17.11.2023, the respondent police suppressed the previous case pending against the 1st respondent / 2nd accused under Section 387 IPC. He would further submit that now, the accused persons attempted to stolen the jewels, mobile phones and key of the two wheeler of the petitioner / defacto complainant and hence, he prays for cancellation of anticipatory bail granted to them.

3. The learned Additional Public Prosecutor would submit that the petitioner and the respondents are relatives.

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.

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



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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/-
06/12/2023

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07/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.



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3 THE INSPECTOR OF POLICE
EMBAL POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-17345[I] dated 06/12/2023)

+1 CC to M/s.D.VENKATESH, Advocate (SR-17402[I] dated 07/12/2023)

ORDER
IN
CRL MP(MD) No.17122 of 2023
IN
CRL OP(MD) No.20727 of 2023
Date :06/12/2023

RK (07/12/2023) 4P /7 C

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