



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL MP NO. 13866 of 2023
in Crl.M.P.No.10830 of 2023
in Crl.O.P.No.9430 of 2023

Ms.X

Petitioner(s)

Vs

1.M.Jothi

2.State rep. by
The Inspector Of Police
W19 Awps Adyar Police Station,
Adyar, Chennai. (crime No.4/2021)

3.The Inspector Of Police
Abhiramam Police Station, Ramanathapuram District

4.MUNIASAMI
S/o Muthu, Police Constable, Abhiramam Police Station,
Ramanathapuram District
(R3 And R4 are Suo Motu Impleaded As Per Dt 20/09/2023 In
Crl Mp No 13866/2023 In Crl Op No 9430/2023)

Respondent(s)

For Petitioner(s):

M/s P. Murugesan

**For Respondent(s):**

S.Arumugam
C.T.Saravanan
S.Baradhi-ms/1222/2003 Counsel For R1
Affidavit Filed By M.Jothi
Addl. Typed Set Filed

S.Santhosh, Government Advocate (Crl.Side) For R2

ORDER

This petition has been filed seeking to cancel the anticipatory bail granted to the first respondent in Crl.O.P.No.9430 of 2023 dated 05.06.2023.

2. The petitioner herein is the defacto complainant in Cr.No.4 of 2021, registered on the file of the respondent police. It is the case of the petitioner that the first respondent / accused had filed an application for anticipatory bail before the Madurai Bench in Crl.O.P.(MD).No.10418 of 2020, and when the court was not inclined to grant anticipatory bail to the first respondent, the learned counsel for the first respondent had withdrawn the petition before the Madurai Bench and suppressing the same, the first respondent has filed another application before the Principal Bench in Crl.O.P.No.9430 of 2023 and obtained bail.



WEB COPY

3. It is the further case of the petitioner that the accused, after obtaining orders before the Principal Bench in CrI.O.P.No.9430 of 2023 dated 05.06.2023, has published defamatory material against the petitioner / defacto complainant and that the accused, after grant of bail, has not complied with the condition.

4. Learned counsel for the first respondent would submit that the first respondent has been complying with the condition for some time. He would submit that initially, the complaint was given before Abhiramam Police Station, Ramanathapuram District and thereafter, the case was transferred to W19 All Women Police Station, Adayar. He would submit that the first respondent had earlier filed an application before the Madurai Bench when the case was pending before Abhiramam Police Station and later, he filed an application before the Principal Bench in CrI.O.P.No.9403 of 2023, which was the first application therein and thereby, it was not informed. The learned counsel would further submit that the first respondent was complying with the condition for some time and since the case was pending for a long time, he was unable to comply with the condition and he seeks for dismissal of the petition.



WEB COPY

5. Learned Government Advocate (Crl.Side) submitted that the first respondent / accused had earlier approached the Madurai Bench of Madras High Court in Crl.O.P(MD)No.10418 of 2020 and since the Hon'ble Judge was not inclined to grant anticipatory bail, the learned counsel for the first respondent, had withdrawn the petition and the same has also been suppressed. He further submitted that the accused has not complied with the condition and he is not co-operating for investigation.

6. Heard the learned counsel on either side and perused the materials available on records.

7. On perusal of the records, it is seen that the first respondent has suppressed the earlier dismissal before the Madurai Bench and filed the present petition in Crl.O.P.No.9430 of 2023 before this Court. Further, it is submitted that the first respondent has not complied with the condition imposed by this Court. Therefore, this Court is inclined to cancel the anticipatory bail granted to the first respondent / accused in Crl.O.P.No.9430 of 2023, thereby, the said order shall stand cancelled.



WEB COPY

8. Accordingly, this Criminal Miscellaneous Petition stands allowed.

17.12.2024

Anu

To

1.The Inspector Of Police
W19 Awps Adyar Police Station,
Adyar, Chennai. (crime No.4/2021)

2.The Inspector Of Police
Abhiramam Police Station,
Ramanathapuram District



WEB COPY



A.D.JAGADISH CHANDIRA.,J.

Anu

CRL MP NO. 13866 of 2023
in Crl.M.P.No.10830 of 2023
in Crl.O.P.No.9430 of 2023

17.12.2024