



CRL OP(MD) No.769 of 2024

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

Monday, the Twenty Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.769 of 2024

INDIAKUMAR

... PETITIONER / 2nd RESPONDENT

Vs

1 THE INSPECTOR OF POLICE
AIRPORT POLICE STATION,
TIRUCHIRAPPALLI.
(CRIME NO.742/2023).

2 SIVAPRAKASAM @ SIVAPRAKASH

... RESPONDENTS / ACCUSED

Criminal Original 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 granted to 2nd Respondents in Cr.MP.No.4254/2023 dated 5/9/2023 by the Hon`ble Principal District and Sessions Judge, Trichy.

ORDER : This Criminal Original petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.JOSEPH JERRY Advocate for the petitioner and of Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side) on behalf of the 1st Respondent and Mr.K.RAJESH, Advocate for the 2nd Respondent, the Court made the following order:-

This Criminal Original Petition is filed to cancel the anticipatory bail granted to the second respondent in Cr.M.P.No.4254 of 2023 dated 05.09.2023, by the learned



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Principal District and Sessions Judge, Trichy.

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2. The case of the prosecution is that the petitioner/defacto complainant has lodged a complaint against the second respondent who worked as Collection Agent in the concern where the petitioner is working as Sales Manager and the second respondent has collected a sum of Rs.4,27,890/- from 37 shops and has not paid the amount to the concern and has swindled the amount. Hence, a complaint came to be lodged.

3. The learned counsel appearing for the petitioner would submit that the second respondent has preferred anticipatory bail before the trial Court in Cr.M.P.No.4254 of 2023 and the same was allowed on 05.09.2023 with certain conditions, in which, one of the conditions is that “the petitioner/accused shall in the event of arrest by the respondent Police or on his surrender before the Judicial Magistrate No.VI, Tiruchirappalli, on or before 19.09.2023 be released on bail on depositing a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of the case in crime number and also on his executing a bond for a sum of Rs.25,000/- with two sureties each for a like sum to the satisfaction of the respondent Police or the Police Officer who intends to arrest or to the satisfaction of the Judicial Magistrate No.VI, Tiruchirappalli”. However, he has neither deposited the amount nor executed the sureties before the Court and has not abided by any of the conditions imposed by the



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trial Court. Hence, this Petition has been filed seeking cancellation of anticipatory bail.

4. The learned counsel appearing for the second respondent would submit that the second respondent has deposited a sum of Rs.1,00,000/- to the credit of Crime number and the balance amount of Rs.1,00,000/- only has to be paid by the second respondent. He would further submit that for cancellation of anticipatory bail, there must be supervening circumstances and in the present case, no supervening circumstances were raised by the petitioner. Hence, he prays for dismissal of this petition.

5. Heard the Learned Government Advocate (Crl.Side) appearing for the first respondent Police.

6. The main ground raised in this petition by the petitioner is that the second respondent has neither deposited the amount nor executed the sureties before the Court. However, this is not a ground for cancelling the anticipatory bail granted to the second respondent and no supervening circumstances were brought to the notice of this court as enumerated by the Apex Court in the case of Daulat Ram – Vs – State of Haryana (1995 (1) SCC 349). therefore, the prayer as sought for by the petitioner cannot be acceded to. Moreover, the second respondent has deposited a sum of Rs.1,00,000/- to the credit of Crime No.742 of 2023 as contended by the learned



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counsel appearing for the second respondent.

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7. For the reason aforesaid, the petition seeking to cancel the anticipatory bail granted to the second respondent cannot be sustained and, accordingly, the same is dismissed.

sd/-
25/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TRICHY.

2 THE JUDICIAL MAGISTRATE NO.VI,
TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE
AIRPORT POLICE STATION,
TIRUCHIRAPPALLI.

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

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ORDER
IN
CRL OP(MD) No.769 of 2024
Date :25/03/2024

SA/GS/SAR. /10.04.2024/5P/5C

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