



CRL OP(MD) No.845 of 2024

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

Tuesday, the Seventh day of February Two Thousand Two Hundred and Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.845 of 2024

R.MEYYAPAN

**... PETITIONER/ INTERVENOR
/ DEFACTO COMPLAINANT**

Vs

1 THE INSPECTOR OF POLICE

**KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI.**

(CRIME NO.378 OF 2023). ...1st RESPONDENT/RESPONDENT/COMPLAINANT

2 SOMASUNDARAM ... 2nd RESPONDENT / PETITIONER/SINGLE ACCUSED

Criminal Original Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to cancel the bail granted to 2nd Respondent in Cr.M.P.No.6700/2023 dt.12.12.2023 on the file of the Learned Judicial Magistrate, Karaikudi, Sivagangai District.

ORDER : This Criminal Original Petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.BACKIYARAJ, Advocate for the petitioner and of MR.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the 1st Respondent and of MR.R.ILAYARAJA, Advocate for the 2nd Respondent, the court made the following order:-



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This Criminal Original Petition is filed to cancel the bail granted to the second respondent in Cr.M.P.No.6700 of 2023 dated 12.12.2023, by the learned Judicial Magistrate, Karaikudi, Sivagangai District.

2. The case of the prosecution is that the petitioner has given a sum of Rs.18,00,000/- to the second respondent for purchasing the properties in Survey Nos.173/2A, 118/2A2, 117/1 and 118/1 belonging to the second respondent and the second respondent has executed a sale receipt in favour of the petitioner, however, the second respondent has not reconveyed the properties in favour of the petitioner and not returned the amount. Thereby, the petitioner made a complaint.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner/defacto complainant entered into sale agreement with the second respondent/accused in the year 2012 and on verification of the revenue records, it was found that the properties belong to the sister of the second respondent and when the petitioner approached the second respondent, he continued his delaying tactics and has not returned the amount. Hence, the petitioner has made a complaint before the first respondent Police and a case was registered against the second respondent, against which, the second respondent moved a bail application

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before the trial Court. However, the trial Court, without considering the offence committed by the second respondent/accused which is grievous in nature, has granted bail to him. Hence, this Petition has been filed.

4. The learned counsel appearing for the second respondent would submit that the agreement is of the year 2012 and already, a civil suit is pending between the parties and considering the period of incarceration, the trial Court has granted bail to the second respondent/accused. He would further submit that 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 learned Judicial Magistrate, Karaikudi, while granting bail to the second respondent has not considered the fact that the offence committed by the second respondent/accused is grievous in nature and is non-bailable offence and the amount was not recovered from the second respondent. However, no supervening circumstances were brought



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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) and therefore, the prayer as sought for by
the petitioner cannot be acceded to.

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

sd/-
07/02/2204

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI.



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

ORDER
IN
CRL OP(MD) No.845 of 2024
Date :07/02/2204

PKP/GS/SAR /15.03.2024/ 5P/ 5C

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