



CRL MP(MD) No.2159 of 2024

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

Thursday, the Twenty Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.2159 of 2024

IN

CRL OP(MD) No.18866 of 2023

R.BINDIYA

... Petitioner / Defacto Complainant

Vs

1 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.353/2023.)

... 1st Respondent / Complainant

2 RAJA

3 VALLI MAYIL

... Respondents 2 & 3 / Petitioners

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 granted in Crl OP(MD) No.18866/2023 dt.14.12.2023 by this Honble Court.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VEERAPANDI.S.P, Advocate for the petitioner and of Mr.P.KOTTAICHAMY, Government Advocate (Crl. side) on behalf of the Respondent No.1, the court made the following order:-



CRL MP(MD) No.2159 of 2024

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This Criminal Miscellaneous Petition has been filed to cancel the anticipatory bail granted in Crl.O.P.(MD).No.18866 of 2023, dated 14.12.2023.

2. The case of the prosecution is that the defacto complainant's husband worked in Arab countries and earned some money which was invested by him into the companies, which are being operated in Gujarat through one of his friends company and their sister concerns. When thus being so, the defacto complainant had got acquaintance with the accused persons and they had been engaged with the work of purchasing land for the defacto complainant to make use of the funds which are being sent from Gujarat. However, the accused persons had cheated the defacto complainant and swindled the money which was sent for purchasing land and got some valueless land which was over valued by the accused persons and thereby, caused loss to the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would submit taking advantage of anticipatory bail granted by this Court, now respondent Nos.2 and 3 are continuously taking sand from the petitioner's land and also they threatened the petitioner to withdraw the complaint. Hence, he prays for allowing this petition.

4. The learned Government Advocate (Criminal Side) for the respondent Police would submit that though the allegations made against respondent Nos.2 and 3 are serious one, they did not violate any conditions imposed by this Court.



CRL MP(MD) No.2159 of 2024

WEB COPY

5. Considering the facts and circumstances of the case and also considering the fact that respondent Nos.2 and 3 have complied with the conditions imposed by this Court and moreover, 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), hence, the prayer as sought for by the petitioner cannot be acceded to.

6. For the reason aforesaid, the petition seeking to cancel the anticipatory bail granted to respondent Nos.2 and 3 cannot be sustained and accordingly, the same is dismissed.

sd/-
29/02/2024

/ TRUE COPY /

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

TSG

To

1.The Judicial Magistrate,
Sivagiri, Tenkasi District.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.



CRL MP(MD) No.2159 of 2024

3.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.2159 of 2024
IN
CRL OP(MD) No.18866 of 2023
Date :29/02/2024

ED/ VR /SAR- (05/03/2024) 4P / 5C

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