



CRL MP(MD) No.2498 of 2024

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

Tuesday, the Twelfth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.2498 of 2024

IN

CRL OP(MD) No.16880 of 2023

NAVANEETHAKRISHNAN

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI.

CR.NO.36/2023

... 1st RESPONDENT

2 S.JEYSEELI

3 S.MUNEESHWARI

... 2nd and 3rd RESPONDENT/PETITIONER

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 granted to the 2nd and 3rd respondents in Crl.O.P.No.16880/2023 in order dated 16.10.2023.

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 M/S.K.NARESH PANDI, Advocate for Mr.S.PRAVEENNATH, Advocate for the petitioner and of Mr.P.KOTTAICHAMY, Government Advocate(Crl.side) on behalf of the 1st Respondent and Mr.MAHESWARAN, Advocate for the respondents 2 & 3, the Court made the following order:-



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This Criminal Original Petition is filed to cancel the anticipatory bail granted to the respondent Nos.2 and 3 in CrI.O.P(MD).No.16880 of 2023, vide order dated 16.10.2023.

2. The case of the prosecution is that the accused persons received a sum of Rs.26,00,000/- from the defacto complainant giving assurance that they will arrange quarry licence, however, they failed to do the same. Hence, a complaint came to be lodged.

3. The learned counsel appearing for the petitioner would submit that the respondents 2 and 3 have filed anticipatory bail petition before this Court in CrI.O.P (MD).No.16880 of 2023 and obtained anticipatory bail on 16.10.2023 stating that they had no knowledge about the entire transaction as stated in the First Information Report. He would further submit that A1 who is the prime accused has been absconding from the date of registration of FIR and the respondents 2 and 3/accused Nos.2 and 3 are helping the accused No.1 to escape from the clutches of law. Hence, this Petition has been filed seeking cancellation of anticipatory bail.



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4. The learned counsel appearing for the second respondent would submit that the accused No.1 surrendered before the trial Court and filed a bail application in Cr.M.P.No.412 of 2024 before the Principal District Court, Theni and he was granted bail by the trial Court on 05.03.2024. 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 accused No.1 is still absconding only with the help of the respondents 2 and 3/accused Nos.2 and 3 and thereby, the first respondent Police is not able to secure the accused No.1. However, this is not a ground for cancelling the anticipatory bail granted to the respondents 2 and 3. Further, the accused No.1 was granted bail by the trial Court on 05.03.2024. 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*



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of *Haryana* (1995 (1) SCC 349). therefore, the prayer as sought for by the petitioner

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cannot be acceded to.

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

sd/-

12/03/2024

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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 JUDICIAL MAGISTRATE,
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL MP(MD) No.2498 of 2024
IN
CRL OP(MD) No.16880 of 2023
Date :12/03/2024

SS/GS/SAR- /08/04/2024/5P/5C

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