



CRL MP(MD) No.1553 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1553 of 2024

IN

CRL OP(MD) No.633 of 2024

ALAGAPPAN

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 SIVASUNDARARAJAN

... 1st RESPONDENT/PETITIONER/2nd ACCUSED

2 THE INSPECTOR OF POLICE

KOTTAMPATTI POLICE STATION,

MADURAI DISTRICT. ... 2nd RESPONDENT/RESPONDENT/COMPLAINANT

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 bail granted in favour of the 1st respondent / Accused in Crl O.P No. 633 of 2024 dated 12.01.2024 on the file of this Honble court and commit him to custody.

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 Mr.J.ANANDKUMAR, Advocate for the petitioner and of M/s.T.A.EBENEZER, Advocate on behalf of the 1st Respondent and Mr.P.KOTTAICHAMY, Government Advocate(Crl.side) for the 2nd respondent, the Court made the following order:-

This Petition has been filed to cancel the anticipatory bail granted in favour of



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the first respondent/accused in Crl.O.P(MD).No.633 of 2024 dated 12.01.2024 by this
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Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a sub-contractor and the first respondent is the Supervisor. The petitioner was provided with the work to install water pipes and has collected 2450 water pipes approved by the State Government from Deccan Industries. While so, when the petitioner inspected the site, it was found that the first respondent/accused has stolen 300 water pipes which are worth about Rs.40,00,000/- and suppressing the said fact, the petitioner has obtained anticipatory bail before this Court on 12.01.2024 in Crl.O.P(MD).No.633 of 2024, against which, this Petition has been filed.

3. The learned counsel appearing for the first respondent, on instructions, would submit that the first respondent, without prejudice to his rights and contentions before the trial Court, is ready to pay a sum of Rs.5,00,000/- in favour of the petitioner/defacto complainant by way of demand draft and the demand draft will be handed over to the defacto complainant under proper acknowledgement. He would further submit that if the first respondent succeeds in the trial, liberty may be given to him for refund of the amount.



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4. In view of the undertaking given by the first respondent, the first respondent is directed to take a demand draft for a sum of Rs.5,00,000/- in the name of the petitioner/defacto complainant and give the same directly to the petitioner/defacto complainant and file a necessary proof before the trial Court within a period of two weeks from the date of receipt of a copy of this order, failing which, anticipatory bail granted to the petitioner shall stand automatically cancelled. However, it is made clear that if the first respondent succeeds in the trial, the petitioner is directed to refund the said amount in favour of the first respondent.

5. In this case, 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)* and therefore, the prayer as sought for by the petitioner cannot be acceded to. Hence, the Criminal Miscellaneous Petition stands dismissed.

sd/-

04/03/2024

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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



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TO

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1 THE JUDICIAL MAGISTRATE,
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION, MADURAI DISTRICT.

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

+1. C.C. to Mr.J.ANANDKUMAR, Advocate SR.No.2652[I] DATED 04/03/2024

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-2712[I] dated 05/03/2024)

ORDER

IN

CRL MP(MD) No.1553 of 2024

IN

CRL OP(MD) No.633 of 2024

Date :04/03/2024

(2/2)

SS/JGB/SAR- /20/03/2024/4P/7C

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