



Crl.O.P.(MD) No.2555 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.2555 of 2024

Kanagaraj

... Petitioner/Defacto Complainant

Vs.

1.The Inspector of Plice,
CCB Police Station,
Madurai District.
Crime No.9 of 2023.

... Respondent No.1/Complainant

2.Prasath

3.Ishwarya

4.Haridoss

5.Shanthi

6.Ganesan

... 2 to 6 Respondents/1 to 5 Accused

PRAYER: Criminal Original Petition is filed under Section 439(2) of Cr.P.C., to cancel the anticipatory bail granted to the respondents 2 to 6 in Crl.M.P.No.5757 of 2023, dated 31.01.2024 by the learned Principal District Judge, Madurai in connection with the Crime No.9 of 2023 on the file of the first respondent police.

For Petitioners	:	Mr.K.Suyambulinga Bharathi, Advocate
For Respondents	:	Mr.P.Kottaichamy Government Advocate (Crl.side) for R1 Mr.P.Gunasekaran for R2 to R4 & R6



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ORDER

This petition has been filed seeking to cancel the anticipatory bail granted to the respondents 2 to 6 in Crl.M.P.No.5757 of 2023, dated 31.01.2024 by the learned Principal District Judge, Madurai in Crime No.9 of 2023 on the file of the first respondent police.

2.The case of the petitioner is that A1 to A5 received a sum of Rs.74,00,000/- from the defacto complainant by giving false promise to secure Government job to his son. Later, they cheated the defacto complainant. Thereby, the defacto complainant made a complaint before the first respondent police and the first respondent police registered a case against the accused in Crime No.9 of 2023. Thereafter, the accused persons moved anticipatory bail application before the trial Court in Crl.M.P.No.5757 of 2023 and the same was allowed on 31.01.2024. Challenging the same, the present petition is filed.

3.The learned counsel for the petitioner would submit that the learned Principal District Judge, Madurai, has granted anticipatory bail to to the petitioner without imposing any condition. Hence, he prayed for allowing this petition.

4.The learned counsel for the respondents 1 to 4 and 6 would submit that the second respondent has filed an undertaking affidavit before this Court stating that he obtained loan from the petitioner to the tune of Rs.74,00,000/-, out of which,

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Rs.24,00,000/- was already paid and further, he undertakes that the balance amount of Rs.50,00,000/- will be paid before the end of August 2024. Hence, he prayed for dismissal of this petition.

5.The learned counsel for the petitioner as well as the learned Government Advocate (Crl. side) appearing for the second respondent would submit that as per the undertaking affidavit, if the respondents 2 to 6 are failed to repay the said amount of Rs.50,00,000/- before the end of August 2024, this Court may cancel the bail granted by the trial Court.

6.Considering the facts and circumstances of the case and also considering the undertaking given by the respondents 2 to 6 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), the prayer as sought for by the petitioner cannot be acceded to.

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

(*)“8.However, after receipt of the amount of Rs.50,00,000/- from the accused, the

petitioner is directed to co-operate with the first respondent police to close the case in

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Crime No.9 of 2023 as 'Action Dropped'. If the respondents 2 to 6/accused failed to pay Rs.50,00,000/- on or before 31.04.2024, the bail granted by the trial Court shall stand vacated automatically.”

sd/-
18/03/2024

(*)CORRECTED AS PER THE ORDER OF THIS
HON'BLE COURT DT.26/03/2024 IN CRL.OP
(MD).2555/2024.

/ TRUE COPY /

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

SJI

To

TO BE SUBSTITUTED WITH THE ORDER DT. 18/03/2024 ALREADEY
DESPATCHED

1 THE PRINCIPAL DISTRICT JUDGE, MADURAI.

2 THE INSPECTOR OF POLICE, CCB POLICE STATION, MADURAI DISTRICT.



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

ORDER IN
CRL OP(MD) No.2555 of 2024
Date :18/03/2024

RS/JGB/SAR-(25.03.2024) 5P 4C

SJI
PKP/JGB/SAR /01.04.2024/ 5P/ 4C
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