



CRL MP(MD) No.2319 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Twenty Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.2319 of 2024
IN
CRL OP(MD) No.342 of 2024

A.JOHN BANERJEE ... PETITIONER/DEFACTO COMPLAINANT
Vs

1 SHANTHI VALENTINA ... RESPONDENT/PETITIONER

2 THE INSPECTOR OF POLICE
GOLDEN ROCK POLICE STATION,
TRICHY DISTRICT.
CRIME NO.1814/2023. ... RESPONDENT/RESPONDENT

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.342/2024 order dated 10.01.2024.

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.S.CHANDRA SEKAR, Advocate for M/S.ANANDA RAJ.A, Advocate for the petitioner and of Mr.B.SEKAR, 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 criminal miscellaneous petition has been filed to cancel the anticipatory bail granted in Crl.O.P.(MD)No.342 of 2024 dated 10.01.2024.



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2.The case of the petitioner is that the first respondent herein borrowed a sum of Rs.31,00,000/- from the petitioner on 20.04.2023 for which, the first respondent executed some cheques to repay the borrowed amount along with interest. But the first respondent cheques were dishonoured by the bank as insufficient funds. Thereby, the petitioner asked the first respondent to repay the said amount, but she refused after a long and lapse of the time. Therefore, the petitioner herein lodged a complaint before the second respondent. Based on which, the second respondent conducted enquiry and during the enquiry, the first respondent issued a demand draft for a sum of Rs.10,00,000/- and the same was handed over to the petitioner. Later, for further amount, again she refused and attacked with goondas. Thereby, a criminal case was registered against the first respondent in Crime No.1814 of 2023 for the offences under Sections 341, 294(b), 323, 420 and 506(ii) of IPC. However, the first respondent in a cruel manner suppressed the facts that she had bad antecedents in the same manner and compromised with the parties in the suit in O.S.No.444 of 2023 on the file of the Sub Court, Trichy. Thereafter, the petitioner filed caveat petitions before the Court below in O.P.No.449 of 2023 and 552 of 2023 and the same are still pending. Against which, the first respondent filed an application for anticipatory bail before this Court in Crl.O.P.(MD)No.342 of 2024 and obtained anticipatory bail. Hence, the present petition is filed.



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3.The learned counsel for the petitioner would submit that after obtaining anticipatory bail, the first respondent/accused threatened the petitioner, for which, the petitioner has filed the present petition for cancellation of anticipatory bail.

4.The learned counsel for the first respondent would submit that it is purely a money dispute between them, if the cheque is dishonoured, the petitioner has to workout the remedy before the competent civil Court under Sections 138 and 142 of Negotiable Instruments Act, instead of lodging the complaint before the respondent police, which is not sustainable one. He would further submit that the first respondent has scrupulously complied with the condition imposed by this Court and hence, he prayed for dismissal of this petition.

5.The learned Government Advocate (Crl. side) appearing for the second respondent after obtaining anticipatory bail, the first respondent/accused has threatened the petitioner. Hence, he prayed for allowing this petition.

6.Considering the facts and circumstances of the case and also considering the fact that the first respondent has scrupulously complied with the condition imposed



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by this Court and hence, 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.

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

sd/-
26/02/2024

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUCHIRAPPALLI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE
GOLDEN ROCK POLICE STATION,
TRICHY DISTRICT.



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

ORDER
IN
CRL MP(MD) No.2319 of 2024
IN
CRL OP(MD) No.342 of 2024
Date :26/02/2024

SS/VR/SAR- /04/03/2024/5P/5C

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