



Crl.O.P.(MD) No.4217 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.4217 of 2024

Udhayakumar

... Petitioner/Intervenor/Defacto Complainant

Vs.

1.The State Rep. by
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
Crime No.41 of 2024.

... 1st Respondent/Respondent/Complainant

2.Dinesh

3.Jeyapandi

4.Madasamy

5.Mathavan

... 2 to 5 Respondents/Petitioners/Accused No.2 to 5

PRAYER: Criminal Original Petition is filed under Section 439(ii) r/w 482 of Cr.P.C., to cancel the anticipatory bail order passed in Crl.M.P.No.1861 of 2024 on the file of the learned Principal District and Sessions Judge, Thoothukudi, dated 11.03.2024.

For Petitioners	:	Mr.P.Vishnuvardhanan, Advocate
For Respondent-1	:	Mr.P.Kottaichamy
		Government Advocate (Crl. side) for R1

ORDER

This petition has been filed seeking to cancel the anticipatory bail passed in Crl.M.P.No.1861 of 2024 by the learned Principal District and Sessions Judge, Thoothukudi, dated 11.03.2024.

2.The case of the petitioner is that on 01.03.2024, the respondents 2 to 5 along



Crl.O.P.(MD) No.4217 of 2024

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with other accused restrained the petitioner, abused him in filthy language and attacked him with iron rod. Thereby, the petitioner made a complaint before the first respondent police and the first respondent police registered a case against the respondents 2 to 5 in Crime No.41 of 2024. Thereafter, the accused persons moved an application for anticipatory bail before the trial Court in Crl.M.P.No.1861 of 2024 and the same was allowed on 11.03.2024 on the ground that the petitioner was discharged from the hospital. Challenging the same, the present petition is filed.

3.The learned counsel for the petitioner would submit that till date, the petitioner is taking treatment in the Government hospital. However, without considering the same, the trial Court granted anticipatory bail to the respondents 2 to 5. Hence, he prayed for allowing this petition.

4.The learned Government Advocate (Crl. side) appearing for the first respondent would submit that initially the petitioner was admitted in the Tirunelveli Medical College Hospital on 01.03.2024 and subsequently, he was discharged from the hospital on 09.03.2024. Thereafter, the trial Court granted anticipatory bail to the respondents 2 to 5 on 11.03.2024. However, there is no supervening circumstance arises for cancellation of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that no supervening circumstances were brought to the notice of this court as



Crl.O.P.(MD) No.4217 of 2024

enumerated by the Apex Court in the case of Daulat Ram – Vs – State of Haryana

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(1995 (1) SCC 349), 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 the respondents 2 to 5 cannot be sustained and, accordingly, the same is dismissed.

sd/-

18/03/2024

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/03/2024

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

SJI

To

- 1.The Principal District and Sessions Judge, Thoothukudi.
- 2.The Inspector of Police, Sathankulam Police Station, Thoothukudi District.
- 3.The Additional Public Prosecutor Madurai Bench of Madras High Court, Madurai.

Order in
Crl.O.P.(MD)No.4217 of 2024
18.03.2024

RS/GS/SAR-(22.03.2024) 3P 4C

Madurai Bench of Madras High Court is issuing
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