



CRL MP(MD) No.3478 of 2024

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

Wednesday, the Twenty Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.3478 of 2024

IN

CRL OP(MD) No.2321 of 2024

SABARIVASAN

... Petitioner / Defacto Complainant

Vs

1 THE INSPECTOR OF POLICE
SS COLONY POLICE STATION
MADURAI CITY,
MADURAI DISTRICT.
(CRIME NO.1841/2023.)

... 1st Respondent / Complainant

2 KANNAN

3 DEVA DURGA

... Respondents 1 & 2 / Petitioners /
Accused No.1 & 2

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to set aside and Cancel the Anticipatory Bail order against the Respondent No.2 and 3/ Accused No.1 and 2 granted by this Honble Court in Crl OP(MD) No.2321/2024 dt.14.02.2024.

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 M/S.P.SIVACHANDRAN, Advocate for the petitioner and of



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Mr.P.KOTAICHAMY, Government Advocate on behalf of the Respondent No.1 and of Mr.A.BALAJI, Advocate on behalf of the Respondent Nos.2 and 3, the Court made the following order:-

This criminal miscellaneous petition has been filed to cancel the anticipatory bail granted to the respondents 2 and 3/A1 and A2 in CrI.O.P.(MD)No.2321 of 2024 dated 14.02.2024.

2.The case of the petitioner is that the respondents 2 and 3 herein are the husband and wife. One Rajkumar, who is the friend of the petitioner entered into an agreement with the respondents 2 and 3 for constructing a house. However, it is alleged that the respondents 2 and 3 have not paid the remaining amount. Thereby, the petitioner herein lodged a complaint before the first respondent. Thereby, a criminal case was registered against the respondents 2 and 3 in Crime No.1841 of 2023 for the offences under Sections 406 and 420 of IPC. Against which, the respondents 2 and 3 filed an application for anticipatory bail before this Court in CrI.O.P.(MD)No.2321 of 2024 and the same was allowed on 14.02.2024.

3.The learned counsel for the petitioner would submit that though the respondents 2 and 3 have entered into two agreements with the petitioner for construction and interior works and the total amount due from the respondents 2 and 3 is Rs.40 lakhs, no amount was paid to the petitioner. However, without considering all those things, this Court granted anticipatory bail to the respondents



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2 and 3. Hence, he filed the present petition for cancellation of anticipatory bail.

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4.The learned counsel for the respondents 2 and 3 would submit that there are no supervening circumstances arisen for cancelling the anticipatory bail granted by this Court and all those things were elaborately considered by this Court at the time of granting anticipatory bail. However, on instructions, he would further submit that without prejudice to their rights and contentions before the trial Court, the respondents 2 and 3 are ready to deposit Rs.5,00,000/- to the petitioner/defacto complainant directly by way of demand draft, within a period of two weeks. Hence, he prayed for dismissal of this petition.

5.The learned Government Advocate (Crl. side) appearing for the first respondent would submit that now, the case was transferred to the City Crime Branch, Madurai.

6.Considering the facts and circumstances of the case and also considering the fact that the respondents 2 and 3 are ready to deposit Rs.5,00,000/- to the petitioner/defacto complainant directly by way of demand draft, 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), the prayer as sought for by the petitioner cannot be acceded to.

7.For the reasons aforesaid, the petition seeking to cancel the anticipatory bail



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granted to the first respondent cannot be sustained.

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8.However, the respondents 2 and 3 are directed to deposit a sum of Rs.5,00,000/- to the petitioner/defacto complainant by way of demand draft directly, within a period of two weeks from the date of receipt of a copy of this order.

9.With the above direction, this Criminal Miscellaneous Petition is disposed of.

sd/-
27/03/2024

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

SJI

To

1.The Judicial Magistrate No.V,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
SS Colony Police Station,
Madurai City, Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.S.ALAGUSUNDAR, Advocate (SR-3810[I] dated 27/03/2024)

+1 CC to M/s.A.BALAJI, Advocate (SR-3836[I] dated 27/03/2024)

ORDER
IN
CRL MP(MD) No.3478 of 2024
IN
CRL OP(MD) No.2321 of 2024
Date :27/03/2024

ED/ VR /SAR- (16/04/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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