



CRL MP(MD) No.3682 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Thirteenth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) No.3682 of 2024
IN
CRL OP(MD) No.22767 of 2023

SUBRAMANIAN @ CHINNADURAI

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 K.SURESH

... 1st RESPONDENT/PETITIONER

2 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TENKASI DISTRICT.
CRIME NO. 189/2023

... 2nd RESPONDENT/2nd 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 bail granted to the 1st respondent/petitioner/1st accused by the Honble High court Crl O.P (MD) No. 22767 of 2023 dated 18.12.2023 and to arrest 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.GOPALA KRISHNA LAKSHMANA RAJA, Senior counsel for M/S.BALAMURUGAN.S, Advocate for the petitioner and of M/S.J.GAVIN SILVESTER, Advocate for the 1st respondent and Mr.P.KOTTAICHAMY, Government Advocate(Crl.side)on behalf of the 2nd Respondent, the Court made the following order:-



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The defacto complainant has moved this application to cancel the bail granted to the second respondent on the ground that the second respondent has not complied with the condition as imposed by this Court while granting bail to the petitioner.

2.The learned Senior Counsel for the second respondent submits that the second respondent is an Army man working in Arunchalapradesh. Since it is a sensitive place, the higher officials refused to grant leave and therefore, he could not report before the concerned respondent police for some period. However, he has complied with the condition for the rest of the period. He further submits that now the case has been committed to the Court of Sessions and the trial is yet to be commenced. The petitioner gives an undertaking that he will appear before the trial Court without fail and he will co-operate for the trial.

3.This Court considered the rival submissions made.

4.Though this Court is not inclined to accept the reasons made by the learned Senior Counsel for the non-appearance, considering the fact that the second



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respondent is an Army man and he is also posted at Arunachalapradesh during the relevant period, this Court is not inclined to pass any serious orders by cancelling the bail, which has been granted to the petitioner.

5. Accordingly, this petition is dismissed with a direction to the second respondent to co-operate for the trial and also to appear before the trial Court in all the hearing dates without fail. Further, the second respondent shall appear before the trial Court daily at 10.30 a.m., for a period of fifteen days.

sd/-
13/06/2024

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/06/2024

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, TENKASI DISTRICT.



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

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-6526[I] dated 14/06/2024)

+1 CC to M/s.J.GAVINSILVESTER, Advocate (SR-6565[I] dated 18/06/2024)

ORDER
IN
CRL MP(MD) No.3682 of 2024
IN
CRL OP(MD) No.22767 of 2023
Date :13/06/2024

SS/VR/SAR- /20/06/2024/4P/7C

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