



CRL OP(MD). No.6186 of 2024

WEB COPY

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

Date : 20/08/2024

CORAM

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.6186 of 2024

A.Nathiya

...Petitioner/Intervenor/defacto complainant

Vs

1. Poosaidurai,

...1st respondent / petitioner / Accused No. 1

2. The Inspector of Police,
District Crime Branch(Dcb),
Sivagangai District.
Crime No.4 of 2024.

... 2nd Respondent/respondent/Complainant

This Criminal Original Petition has been filed under Section 482 r/w. 439(1)(b) of BNS to cancel the order of Anticipatory Bail dt.25.3.2024 passed in CrI.MP.No.1099 of 2024 on the file of Principal Sessions Judge, Sivagangai.

For Petitioner : M/s.P.Jessi Jeeva Priya, Advocate.

For Respondent No.2 : Mr.R.M.Anbunithi,

Additional Public Prosecutor

For Respondent No.4 to R5 : Mr.R.Sundar, Advocate

ORDER

This Criminal original Petition has been filed to cancel the order of anticipatory



CRL OP(MD). No.6186 of 2024

bail to the first respondent / accused, dated 25.3.2024 made in CrI.M.P.No.1099 of 2024 on the file of the Principal Sessions Judge, Sivagangai.

2. This application is filed on behalf of the de facto complainant. The contention is that the trial court enlarged the petitioner on anticipatory bail only on the ground that it is a civil in nature. When the accused have abused the process of court and taking advantage of the name similarity have used the Patta which is granted in respect of the others created to claim title, the finding of the trial Court that it is civil in nature is incorrect in law and hence, the anticipatory bail has to be cancelled.

3. The cancellation of anticipatory bail already granted lies on a narrow campus. The prima facie findings made on behalf of the grant of anticipatory bail cannot be gone into in detail. Prima facie the trial Court found that already civil suits are pending between the parties it is a fit case for granting of anticipatory bail to the petitioner. It is one thing to contend that whether it would be a fit case for grant or anticipatory bail or not and it is another thing to cancel the anticipatory bail which is granted in the month of March 2024 and thereafter, the first respondent has also appeared before the 2nd respondent police and the investigation being conducted. I am of the view that no grounds are made out to cancel the anticipatory bail already granted to the first respondent.



CRL OP(MD). No.6186 of 2024

4. Therefore, this Criminal Original Petition stands dismissed.

sd/-
20/08/2024

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/ 09 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE PRINCIPAL SESSIONS JUDGE,
SIVAGANGAI.

2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH(DCB),
SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.6186 of 2024
Date :20/08/2024

PSP/ SG /SAR /27.09.2024/ 3P/ 4C

Madurai Bench of Madras High Court is issuing certified
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