



CRL MP(MD) No.7069 of 2024

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

Thursday, the Third day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.7069 of 2024

IN

CRL OP(MD) No.7210 of 2024

M.AMIRATHAM

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE SUB INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.

CR.NO.117/2024

... RESPONDENT No.1/COMPLAINANT

2 R.DHEIVENDRAN

... RESPONDENT No.2/SOLE ACCUSED

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order to cancel the Anticipatory Bail which was granted by this Honourable Court dt 15.5.2024 in CrI.O.P.(MD).No.7210/2024 and consequently direction the R1 to arrest him within time stipulated by this Honourable Court

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.ANAND C, Advocate for the petitioner and of MRS.A.AASHA, Government Advocate(Crl.side) on behalf of the 1st Respondent and Mr.T.VADIVELAN, Advocate for the 2nd respondent, the Court made the following order:-



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Reserved on : 10.09.2024

Pronounced on : 03.10.2024

The petitioner/defacto complainant has filed this Criminal Miscellaneous Petition to cancel the anticipatory bail granted by this Court in CrI.O.P(MD)No.7210 of 2024 on 15.05.2024.

2. Brief facts of the case:

Upon previous enmity, the 2nd respondent in drunken mode abused the petitioner in filthy language and assaulted her with axe, thereby, caused grievous injuries. The petitioner lodged a complaint before the 1st respondent. A case in Crime No.224 of 2024 was registered against the 2nd respondent for the offence under Sections 294(b), 324, and 506(ii) of IPC r/w 4 of TNPWH Act, 2002. The 2nd respondent filed a petition in CrI.O.P.(MD) No.7210 of 2024 before this Court seeking anticipatory bail and the same was granted by this Court on 15.05.2024 with certain conditions.

3. The learned counsel for the petitioner would submit that the 2nd respondent after getting anticipatory bail used to threaten the petitioner frequently. Moreover,



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the 2nd respondent has also filed the petition seeking anticipatory bail before this Court as well as before the Vacation Court/Principal Sessions Court, Madurai. While this Court granted anticipatory bail on 15.05.2024, the petition filed before the Vacation Court/Principal Sessions Court, Madurai was dismissed on 16.05.2024. The 2nd respondent has suppressed the fact in his affidavit filed in both the Courts. The 2nd respondent has purposely hidden the facts. So, the anticipatory bail may be cancelled.

4. The learned counsel for the 2nd respondent has submitted that the 2nd respondent has requested the counsel to withdraw the anticipatory bail petition before the Principal Sessions Court, so, he was under the impression that his counsel might have withdrawn the petition, but, later he came to know that the 2nd petition filed by him was dismissed on 16.05.2024. That mistake was inadvertently happened. The 2nd respondent has not threatened the petitioner as stated by her.

5. Heard both sides. On perusal of the affidavit in both petitions, the 2nd respondent has sworn that he has not filed any other similar petitions before any other Court. Two petitions seeking anticipatory bail were filed before this Court as well as before the Vacation Court/Principal Sessions Court, Madurai. After hearing,



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while this Court allowed the petition on 15.05.2024, the Vacation Court/Principal Sessions Court, Madurai, dismissed the petition on 16.05.2024. It is purely hidden by the 2nd respondent and amounts to play fraud upon the Court. The 2nd respondent has not placed any material to show that he has requested his counsel to withdraw the petition filed before the Vacation Court, even an affidavit from that counsel is not filed to show the bona-fide. Moreover, the petitioner, who is aged 71 years lady states that the 2nd respondent has threatened her. The learned Government Advocate (Crl.side) for the 1st respondent has not filed any contra material. Therefore, this Court by exercising its power is inclined to cancel the anticipatory bail granted in Crl.O.P.(MD) No.7210 of 2024, dated 15.05.2024.

6. In the result, this Criminal Miscellaneous Petition is allowed. The anticipatory bail granted by this Court in Crl.O.P.(MD)No.7210 of 2024, dated 15.05.2024, is hereby cancelled.

sd/-
03/10/2024

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/10/2024

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

VSD



CRL MP(MD) No.7069 of 2024

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TO

- 1 THE JUDICIAL MAGISTRATE
MELUR, MADURAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION, MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.DINESH, Advocate (SR-12091[I] dated 03/10/2024)

ORDER
IN
CRL MP(MD) No.7069 of 2024
IN
CRL OP(MD) No.7210 of 2024
Date :03/10/2024

SS/JGB/SAR- /08/10/2024/5P/6C

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