



CRL MP(MD). No.9350 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.10.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD). No.9350 of 2024

in

CRL OP(MD). No.5350 of 2024

Sudharsan

... Petitioner/Defacto Complainant

Vs

1.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Crime No.231/2023

... 1st Respondent/Complainant

2.Sumathi

... 2nd Respondent/ Accused No.1

For Petitioner	:	Mr.K.Suyambulinga Bharathi, Advocate
For Respondents	:	Mr.B.Thanga Aravindh, Government Advocate (Crl. Side) for R.1 Mr.S.Sivaprakash for R.2

PRAYER :-

To Cancel the Anticipatory Bail granted to the Respondent No.2 in CRL OP (MD)No.5350 of 2024 dated 05.04.2024 by this Hon'ble Court in Crime No.231/2023 on the file of the 1st respondent police.

ORDER : The Court made the following order :-

The defacto complainant in Crime No.231 of 2023 has filed this application to



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cancel the anticipatory bail granted to the second respondent / first accused in
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Crl.OP(MD)No.5350 of 2024, dated 05.04.2024.

2.The petitioner is a B.E. Graduate. He lodged a complaint before the first respondent Police that the second accused is his close friend and the second accused, along with the first accused, convinced him that they would arrange job in any of the Government Departments, received a sum of Rs.26,89,500/-. The accused have also created a forged document as if the petitioner's name has been short-listed by the Government for appointment as Government Engineer in the State of Tamil Nadu. Therefore, the petitioner has lodged a complaint before the respondent Police on 03.11.2023 and the first respondent has registered a case as against the second respondent / first accused and her son / second accused in Crime No.231 of 2023 for the offence u/s.120(b), 294(b), 406, 420, 506(i) IPC. Apprehending arrest, the accused have filed Crl.OP(MD)No.5350 of 2024 and this Court, considering the materials placed, by order dated 05.04.2024, granted anticipatory bail to the second respondent / first accused and dismissed the application as against the second accused.

3.This application is filed by the petitioner / defacto complainant on the ground that the second respondent, by projecting the transaction as that of a loan transaction and by suppressing the materials, obtained anticipatory bail.



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4.Learned Counsel for the petitioner submitted that this Court, while granting anticipatory bail, has directed the second respondent / first accused to appear before the respondent Police daily at 10.30 am for a period of two weeks and thereafter, as and when required by the respondent Police for interrogation. However, the second respondent / first accused has not complied with the condition.

5.Learned Counsel for the petitioner has also relied on a report filed by the investigating agency that in the course of the investigation, the first respondent Police has found that the second respondent / first accused, along with her son / second accused, has indulged in job racketing and received money. He has also relied on the order passed by the Principal District Court, Theni, in CrI.MP.No.4075 of 2023 and submitted that the second respondent had undertook to settle the amount and requested for referring the matter to Mediation Centre, however, failed to settle the amount even after ten sittings in the Mediation Centre.

6.Even in this application, learned Counsel for the second respondent / first accused sought time to settle the amount, but, did not settle the amount.

7.Learned Government Advocate (Crl. Side) for the first respondent submitted that during the course of investigation, they found that the allegations in the complaint appears to be true and the money received by the second respondent and her son is only for arranging job. He further submitted that the accused has also



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produced a fake appointment order to the petitioner that they have arranged a job for the petitioner. He has also confirmed the statement made by the petitioner's Counsel that the second respondent / first accused has not complied with the conditions imposed by this Court while granting anticipatory bail in Crl.OP(MD)No.5350 of 2024, dated 05.04.2024.

8.This Court considered the rival submissions made on either side and perused the materials placed on record.

9.The second respondent / first accused has projected the case in Crime No.231 of 2023 as that of a loan transaction. Considering the submission made by the second respondent / first accused that the accused have also issued three cheques to the defacto complainant, this Court, under the impression that it is a matter of investigation and also considering that the second respondent / first accused is working as a Teacher, granted anticipatory bail to the second respondent / first accused in Crl.OP(MD)No.5350 of 2024, dated 05.04.2024.

10.While granting anticipatory bail, this Court has directed the second respondent / first accused to appear before the respondent Police daily at 10.30 am for a period of two weeks. The petitioner / defacto complainant claims that the second respondent has not complied with the said condition. The learned Government Advocate (Crl. Side) has also confirmed the same.



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11.The anticipatory bail application was considered by this Court on 05.04.2024, when the investigation was in the initial stage. Learned Government Advocate (Crl. Side) submitted that from the investigation, it appears not to be a loan transaction and it is only a transaction for arranging job.

12.Considering the conduct of the second respondent / first accused before the Principal District Court, Theni and before this Court and the conflicting stand taken before this Court and also considering the manner in which the second respondent / first accused has not complied with the condition imposed in Crl.OP(MD)No.5350 of 2024, this Court is inclined to allow this application.

13.Accordingly, this criminal miscellaneous application is allowed and the anticipatory bail granted to the second respondent / first accused in Crl.OP(MD) No.5350 of 2024, dated 05.04.2024, is hereby cancelled.

sd/-

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/11/2024

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

gk
To

1 THE JUDICIAL MAGISTRATE, NILAKOTTAI, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.



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3 THE INSPECTOR OF POLICE, PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.

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

COPY TO
THE PRINCIPAL DISTRICT JUDGE, THENI.

ORDER
IN
CRL MP(MD) No.9350 of 2024
IN
CRL OP(MD) No.5350 of 2024
Date :18/10/2024

RS/GSV/SAR-(28.11.2024) 6P 6C
Madurai Bench of Madras High Court is issuing
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