



CRL.MP(MD)No.15172 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.MP(MD)No.15172 of 2023

in

CRL OP(MD). No.16311 of 2023

Ramalakshmi

... Petitioner/Defacto complainant

Vs

1.Nandhakumar

... 1st Respondent/ Accused

2.The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
(Crime No.99/2023)

... 2nd Respondent/ Complainant

For Petitioner : M/s.S.Ramakrishnan, Advocate.

For R2 : Mr.P.Kottaichamy,
Government Advocate (Crl.side)

PETITION FOR CANCELLATION OF ANTICIPATORY BAIL
Under Sec.439(2) of Cr.P.C.

PRAYER :-

To Cancel the Bail granted to the accused / respondent No.1 vide order dated 11.09.2023 passed by this Court in Crl.O.P(MD)No.16311 of 2023.

ORDER : The Court made the following order :-



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This petition has been filed seeking cancellation of bail granted to the accused / respondent No.1 vide order dated 11.09.2023 passed by this Court in Crl.O.P(MD) No.16311 of 2023.

2. It is seen that anticipatory bail petition was moved by the first respondent herein in Crl.O.P.(MD)No.16311 of 2023. That petition came to be allowed by order dated 11.09.2023, observing that the age of the victim girl was above majority on the date of the occurrence.

3. But now, learned counsel for the petitioner would submit that even as per the case of the prosecution, the date of birth of the victim girl is 13.10.2005. On the date of occurrence, she is below 18 years. A factual mistake has been committed by this Court in granting anticipatory bail. so that must be cancelled. Apart from that it is submitted that whenever the petitioner comes to the Court there is a threat by the first respondent. On that two grounds they want the anticipatory bail granted to the first respondent herein to be cancelled.

4. Per contra, learned Government Advocate (Crl.side) would submit that regarding the first aspect that on the date of occurrence, the victim girl is a minor, it is accepted. So far as the second ground is concerned, no complaint has been given by the petitioner before any authorities so far. According to him, the trial is going to be conducted on 03.12.2024. It is posted for commencement of the trial. The witness



CRL.MP(MD)No.15172 of 2023

may appear and if any threat is made by the first respondent herein, complaint may be filed before the Presiding Officer and that may be taken care by the Presiding Officer. Depending upon the outcome of the above said proceedings, further action may be taken by the second respondent herein.

5. With the above observation, this Criminal Miscellaneous Petition is dismissed.

sd/-
27/11/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO

1 THE INSPECTOR OF POLICE, SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL MP(MD) No.15172 of 2023
IN
CRL OP(MD) No.16311 of 2023
Date :27/11/2024

RS/VR/SAR-(09.12.2024) 3P 3C
Madurai Bench of Madras High Court is issuing
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