



Crl.M.P.(MD). No. 11574 of 2024

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

Tuesday, the Tenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.M.P.(MD). No. 11574 of 2024

in

Crl.O.P.(MD). No. 19471 of 2022

MAHALAKSHMI

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.
CR.NO.452 OF 2022.

...1st RESPONDENT/1ST RESPONDENT/
COMPLAINANT

2 PACKIAM

... 2nd RESPONDENT/PETITIONER/
ACCUSED

Criminal Original Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to set aside and cancel the anticipatory bail order against the 2nd Respondent/Accused granted by this hon`ble Court in Crl.OP(MD)No.19471 of 2022 dated 16.11.2022 and pass such further or other orders as this Hon`ble Court.

Order : This Criminal Original Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.P.MUTHUPANDIAN, Advocate for the petitioner and of MR.B.THANGA ARAVINDH, Government Advocate(Crl.side) on behalf of the Respondent No.1 and

<https://www.mhc.tn.gov.in/judis/>



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MR.B.BRIJESH KISHORE, Advocate for the 2nd Respondent, the court made the following order:-

This petition was filed for cancellation of anticipatory bail granted in favour of the second respondent/ A2.

2.When the matter came up for hearing on 12.11.2024, this Court passed the following order:

"Mr. B.Brijesh Kishore, the learned counsel, who filed change of vakalat on behalf of the second respondent, seeks time to file counter in this case.

2. When the matter was taken up for hearing, the learned counsel for the petitioner apart from the materials filed in the type set of papers, also played some audio files to demonstrate that there is repeated threat caused to the defacto complainant, her brother and other family members from the year 2021 onwards.

3. The mobile number, from which these calls were received, is available from page no.29 to 49 of the typed set of papers. The copy of the pen drive shall also be given to the learned Government Advocate (Criminal Side). The first respondent police shall enquire the same and find out as to whether the second respondent and others have threatened the defacto complainant and her family members.



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4. The report shall also be filed before this Court during the next hearing.

5. The learned counsel for the second respondent shall also take instructions in this regard.

6. Post this petition on 26.11.2024."

3.The matter was thereafter listed for hearing on 03.12.2024 and this Court passed the following order:

"Pursuant to the earlier order passed by this Court, a report has been submitted by the first respondent. It has been stated that a phone call was made by the 2nd respondent / accused to the brother of the petitioner namely Thiruppathi.

2. When the criminal case is pending, the 2nd respondent cannot make any phone calls to the petitioner or to any of her family members. If such phone calls are made and oral threats are made, obviously, it will result in cancellation of anticipatory bail. When this was pointed out to the learned counsel for the 2nd respondent, the learned counsel sought for some time to enable the 2nd respondent to file an affidavit before this Court and undertake that the 2nd respondent will not make any such phone calls in future to the petitioner or to her family members.



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3. Post this case on 10.12.2024."

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4. When the matter was taken up for hearing today, the affidavit of the second respondent was filed before this Court and the relevant portions are extracted hereunder:

"4. I respectfully state that a report was filed by the first respondent police in this regard before this Hon'ble Court stating that phone call was made by me to the brother of the petitioner namely Mr. Thiruppathi. the said conversation made by me was unfortunate since I am put to face criminal case. I tender my unconditional apology before this Hon'ble Court and also undertake that this type of phone calls will not be made from my side in future to the petitioner or her family members. Further, I abide by any order passed by this Hon'ble Court."

5. Recording the above undertaking given by the second respondent, this petition is disposed of.

sd/-
10/12/2024

/ TRUE COPY /

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



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LR

TO

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1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT

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

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-15225[I] dated 11/12/2024)

+1 CC to M/s.A.P.MUTHU PANDIAN, Advocate (SR-15239[I] dated 11/12/2024)

ORDER

IN

CRL MP(MD) No.11574 of 2024

IN

CRL OP(MD) No.19471 of 2022

Date :10/12/2024

SA/VR/SAR. /13.12.2024/5P/7C

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