



CRL MP(MD) No.16652 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Twenty Second day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.16652 of 2023

IN

CRL OP(MD) No.17722 of 2023

SREEDHARAN

... PETITIONER/PETITIONER

Vs

1 MARIYASOOSAI

2 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
CR.NO.279/2023

... RESPONDENTS/RESPONDENTS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Cancel the Anticipatory Bail granted to the R1 petitioner in CrI.O.P.(MD).No.17722/2023 dated 05.10.2023 on the file of this Honourable High 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.ANANTH C.RAJESH, Advocate for the petitioner and of Mr.J.ANANDH KUMAR, Advocate for the 1st respondent and Mr.S.MANIKANDAN, Government Advocate on behalf of the 2nd Respondent, the Court made the following order:-

This Miscellaneous Petition is filed to cancel the anticipatory bail granted to the first respondent by this Court dated 05.10.2023 in CrI.O.P.(MD) No.17722/2023.



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2. The case of the prosecution is that originally, the subject property was owned by one Swaminathan, who is the friend of the petitioner and due to financial crisis, the said Swaminathan has executed 14 mortgaged deeds in favour of the respondent No.1 and subsequently, the petitioner had paid 2.64 Crores as principal as well as the interest on behalf of Swaminathan in order to re-convey the property. However, after receipt of the said amount, the first respondent has executed six sale deeds only and the balance sale deeds have not been executed. Hence, a complaint came to be lodged.

3. The learned counsel for the petitioner would submit that Swaminathan is the owner of the property and in order to grab the property from Swaminathan, the first respondent has not executed the balance sale deeds. Without considering the same, this Court granted anticipatory bail to the first respondent. Hence, he prays for cancelling the anticipatory bail.

4. The learned counsel for the respondent would submit that there must be supervening circumstances and in the present case, no supervening circumstances were raised by the petitioner. Hence, he prays for dismissal of this petition.



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5. Heard the Learned Government Advocate (Crl.Side) appearing for the second respondent Police.

6. Since the learned counsel appearing for the petitioner claims that Swaminathan is the owner of the property, this Court directed the learned counsel appearing for the petitioner to produce some document to prove the same. However, the learned counsel failed to produce the document with regard to the ownership of the property. Even assuming that the facts narrated in this petition are correct, it is to be ventilated only before the trial Court and not before this Court. No supervening circumstances were brought to the notice of this court as enumerated by the Apex Court in the case of *Daulat Ram - Vs - State of Haryana (1995 (1) SCC 349)* and therefore, the prayer as sought for by the petitioner cannot be acceded to.

7. For the reason aforesaid, the petition seeking to cancel the bail granted to the first respondent cannot be sustained and, accordingly, the same is dismissed.

sd/-
22/01/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB



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TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-961[I] dated 23/01/2024)

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-886[I] dated 22/01/2024)

ORDER

IN

CRL MP(MD) No.16652 of 2023

IN

CRL OP(MD) No.17722 of 2023

Date :22/01/2024

SS/GS/SAR- /19/02/2024/4P/7C

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