



Crl.O.P.(MD)No.21166 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.21166 of 2023

Jeevarani

... Petitioner/De facto complainant

Vs.

1.Gowtham

... 1st Respondent/Petitioner

2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.
Crime No.287 of 2023

... 2nd Respondent / Respondent

PRAYER : Criminal Original Petition filed under Section 439(2) r/w 482 of the Code of Criminal Procedure, to cancel the anticipatory bail granted to the first respondent by the learned Principal Sessions Judge, Ramanathapuram in Crl.M.P.No.4434 of 2023, dated 07.10.2023.

For Petitioner : Mr.C.JEGANATHAN, Advocate

For Respondent : No Appearance for R1

: Mr.SS.MADHAVAN
Government Advocate (Crl. Side) for R2

ORDER

This Criminal Original Petition has been filed to cancel the anticipatory bail

granted to the first respondent by the learned Principal Sessions Judge,

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



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Ramanathapuram in Crl.M.P.No.4434 of 2023, dated 07.10.2023.

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2.The case of the petitioner is that the petitioner is the de-facto complainant and she is running a petty shop. Her husband is seriously ill and he is bedridden. Subsequently, in the criminal case, he died. The further case of the petitioner is that on 30.09.2023 at about 09.30 p.m., the first respondent/accused came to the petitioner's petty shop in a drunken mood and asked Cigarette and she had also given the Cigarette, at that time, the first respondent used filthy language against her and indulged in pulling her saree and also she was ill treated by the first respondent. Further, the first respondent also damaged the bottles and cartons of the petty shop worth about Rs.1,000/-. Hence, the respondent police registered a case in Crime No.287 of 2023 for the offences punishable under Sections 294(b), 427 and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

3.Against which, the first respondent filed an application for anticipatory bail before the Principal Sessions Judge, Ramanathapuram in Crl.M.P.No.4434 of 2023 and the Sessions Court vide its order dated 07.10.2023 granted anticipatory bail to the first respondent/accused on condition that the first respondent/accused shall appear before the respondent police daily at 10.30 a.m., until further orders and further directed the first respondent/accused shall not tamper with evidence or witness either during investigation or trial. After the grant of anticipatory bail, the first



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respondent again came to the petitioner's shop on 15.10.2023 at about 03.25 a.m. in the early morning and set fire to the petitioner's shop. The entire thing and shop were burned and the total damage is worth about Rs.1,00,000/-. Thereby, the petitioner made a complaint before the respondent police in C.S.R.No.487 of 2023, dated 16.10.2023. However, the respondent police registered a case only on 07.12.2023 after a lapse of two months. Hence, the present cancellation of anticipatory bail is filed.

4.The learned Government Advocate (Crl. side) appearing for the State would submit that subsequent to the anticipatory bail granted by the trial Court, the first respondent set fire and damaged the petitioner's shop and also influenced the petitioner in some other cases. Thereby, the respondent police registered a case against the first respondent/accused on 07.12.2023 for the offence punishable under Section 436 of IPC.

5.Though the name of the first respondent is printed in the cause list, no one has appeared on behalf of the first respondent.

6.Heard the learned counsel on either and perused the material records of the case.

7.The facts in the present case are not in dispute. The earlier registration of the criminal case as against the first respondent/accused at the instigation of the petitioner was also not in dispute and subsequent to the grant of anticipatory bail, the



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first respondent again committed the very same offence by setting fire to the petitioner's shop and thereby, the respondent police registered a case against him.

8.In view of the violation of the condition imposed by the trial Court, the anticipatory bail granted to the first respondent in Crl.M.P.No.4434 of 2023, dated 07.10.2023 on the file of the Principal Sessions Judge, Ramanathapuram, is hereby cancelled.

9.Accordingly, this Criminal Original Petition is allowed. The second respondent police is directed to proceed the case and secure the accused in the manner known to law.

sd/-
09/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
1 THE PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

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



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COPY TO:

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

+1. CC to Mr.C.JEGANATHAN Advocate SR.No.934 (F) DT.10/01/2024

ORDER
IN
CRL OP(MD) No.21166 of 2023
Date :09/01/2024

SA/JGB/SAR. /12.01.2024/5P/7C

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