



CRL OP(MD). No.21897 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Mohamed Abdul Vahab

... Petitioner/7th Accused

Vs

The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
(Crime No.51 of 2024)

... Respondent/Complainant

For Petitioner : Mr.B.Ramamoorthi, Advocate
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
For Intervenor : Mr.S.Vasik Ali, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.51 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/7th accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 417, 420, 466, 468 and

471 IPC in Crime No.51 of 2024 on the file of the respondent police, seeks anticipatory

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bail.

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2.Already, four anticipatory bail petitions filed by the petitioner have been dismissed by this Court. This is the fifth anticipatory bail.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent police.

4.The change in circumstances that is submitted by the learned counsel for the petitioner is that the second accused was granted anticipatory bail by the District Court. The other circumstance is that the defacto complainant and others have filed a civil suit in O.S.No.140 of 2024 and in that suit, A1 and A6 alone have been added as defendants and this petitioner has not been added as defendant.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.

6.In the considered view of this Court, the petitioner is a document writer. Therefore, there is no need to add the name of the petitioner in the civil Suit that was filed by the defacto complainant along with others. It is also seen from the records that the anticipatory bail application filed by the second accused was earlier dismissed by this Court by an order dated 21.11.2024. Thereafter, the second accused seems to have moved the Sessions Court and obtained anticipatory bail. In view of the same, this Court passed an order dated 12.12.2024 and the same is extracted



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hereunder:

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“This anticipatory bail petition filed by the petitioner on the ground that A2 was granted anticipatory bail by the learned Principal Sessions Judge, Ramanathapuram in CrI.M.P.No.4905 of 2024 by an order dated 29.11.2024.

2. A2 had earlier filed anticipatory bail petition in CrI.OP(MD). No.20219 of 2024 and the said petition was dismissed by an order dated 21.11.2024 and the relevant portions are extracted hereunder:-

“When this Court was not inclined to grant anticipatory bail to the petitioner, the learned counsel appearing for the petitioner sought for permission to withdraw this Criminal Original Petition.

2. Accordingly, this Criminal Original Petition stands dismissed as withdrawn.”

Thereafter, A2 had gone before the learned Principal Sessions Judge, Ramanatharpurm and filed an anticipatory bail petition and the learned Principal Sessions Judge has granted anticipatory bail to A2.

3. It is now too well settled that once a bail or an anticipatory bail is disposed either on merits or as withdrawn by the High Court, subsequent petition can be filed only before the High Court and it cannot be



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entertained by the Court below. Useful reference can be made to the judgment of this Court in T.Kokila Devi -vs S.Thenmurugan and Ors reported in 2019 (2) LW (CrI) 738.

4. In view of the above, there shall be a direction to the learned Principal Sessions Judge, Ramanathapuram to submit a report before this Court as to how the anticipatory bail petition filed by A2 was entertained by the Sessions Court when the earlier anticipatory bail petition filed by A2 was dismissed as withdrawn by this Court on 21.11.2024. The report shall reach this Court on or before 18.12.2024.

5. Post this case on 19.12.2024."

7.A report has been received from the Principal District Judge, Ramanathapuram. The learned Sessions Judge has stated that the judgment of the Hon'ble Apex Court in Sharad Vs. The State of Maharashtra in CrI.Appeal No.1221 of 2019 dated 08.08.2019 was relied upon and that the learned Judge was not aware of the order passed by this Court. The learned Sessions Judge has also stated that he will henceforth follow the directions issued by this Court scrupulously.

8.In the considered view of this Court, the anticipatory bail granted in favour of the second respondent by the Sessions Court cannot be taken as a ground by the petitioner to seek for anticipatory bail. Even though the explanation given by the



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learned Principal District Judge, Ramanathapuram is not satisfactory, considering the reasons given, this Court does not want to further precipitate this matter. This Court only hopes that the District Judiciary will follow the judgment of this Court scrupulously in future.

9.This Court does not find any change in circumstances. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
19/12/2024

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/01/2025

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

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TO

1 THE PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM.

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

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

ORDER
IN

CRL OP(MD) No.21897 of 2024
Date :19/12/2024

RS/SKN/SAR-(06.01.2025) 5P 4C
Madurai Bench of Madras High Court is issuing
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