



CRL MP(MD) No.17638 of 2023

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) Nos.17638 & 17641 of 2023

IN

CRL OP(MD) Nos.16173 & 17192 of 2022

VENKATRAMANAN

... PETITIONER/DEFACTO COMPLAINANT
IN BOTH THE PETITIONS

Vs

1 THE INSPECTOR OF POLICE
VADIPATTI POLICE STATION,
MADURAI DISTRICT.

... 1st RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

2 M.RAJESWARI

... 2nd RESPONDENT/2nd PETITIONER
IN CRL MP(MD)NO.17638 OF 2023

2 S.MOHANDAS

... 2nd RESPONDENT/PETITIONER
IN CRL MP(MD)NO.17641 OF 2023

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 order of Anticipatory Bail granted to the R2 dated 08.09.2022 made in Crl.O.P. (MD).No.16173 of 2022 on the file of this Honble Court.

Prayer in CRL MP(MD). 17641/ 2023 :

To cancel the order of Anticipatory Bail granted to the R2 dated 29.09.2022 made in Crl.O.P.(MD).No.17192 of 2022 on the file of this Honble Court.



CRL MP(MD) No.17638 of 2023

Common Order : These Criminal Miscellaneous Petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.PAREKHKUMAR.J, Advocate for the petitioner in both the petitions and of Mr.P.KOTTAICHAMY, Government Advocate(Crl.side) on behalf of the 1st Respondents in both the petitions and Mr.S.MALAIKANI, Advocate for the 2nd respondent in both the petitions, the Court made the following order:-

The petitioner filed the present petitions seeking to cancel the anticipatory bail granted vide order dated 08.09.2022 in Crl.O.P.Nos.16173 and 17192 of 2023.

2. The case of the prosecution is that on 30.04.2022, the accused persons approached the de-facto complainant for purchasing machineries. The de-facto complainant supplied two machineries, however, returned back the money for one machine. There was a dispute between the de-facto complainant and the accused persons/respondents herein with regard to supplied machineries, due to which, on 05.07.2021, when the de-facto complainant along with his colleagues came to the company of the accused persons to attend the repair works, the accused party said to have locked them and demanded to return back the money. Hence, the complaint.

3. The learned counsel for the petitioner/de-facto complainant would submit that this court granted anticipatory bail to the respondents on 29.09.2022 and directed the respondents/accused to execute sureties within two weeks, however, even after two years, they have not executed any sureties. Hence, he prays for



CRL MP(MD) No.17638 of 2023

cancellation of bail on the ground of breach of conditions.

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4. The learned counsel for the respondents/accused submitted that the respondent/accused in both the petitions were granted anticipatory bail by this Court on 29.09.2022. However, due to non compliance, they filed petition for extension of time to execute the sureties and the same was ordered by this Court on 18.10.2022. He would submit that the respondents/accused will comply with the conditions within two weeks and prays for dismissal of these petitions.

5. The learned Government Advocate (Crl. Side) submitted that though anticipatory bail was granted to the accused persons in the year 2022, till date, they have neither executed the sureties nor comply with the conditions imposed by this court and hence, prays for appropriate direction.

6. Heard the learned counsel for the petitioner, learned counsel for the respondents/accused as well as the learned Government Advocate (Crl. Side) and perused the materials available on record.

7. Section 439 (2) of Cr.P.C. clothes the Court with the power to deal with issue relating to cancellation of bail. The Supreme Court has enumerated the following supervening factors that justify cancellation of bail :-

i) Interference or attempt to interfere with the due course of administration of justice;



CRL MP(MD) No.17638 of 2023

ii) Evasion or attempt to evade the due course of justice;

iii) Abuse of the concession granted to the accused;

iv) Possibility of the accused absconding;

v) Likelihood of/actual misuse of bail;

vi) Likelihood of the accused tampering with the evidence or threatening witnesses;

vii) Other supervening circumstances, which have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by being on bail.

8. The courts should be more rigid in its examination of violation and proof of violation in matters relating to cancellation of bail.

9. Even if there are no supervening circumstances, even then the courts are empowered to cancel the bail granted to the accused.

10. The decision of the Hon'ble Supreme Court in the case of *Daulat Ram - Vs - State of Haryana (1995 (1) SCC 349)* comes to the aid of this Court, wherein the Hon'ble Supreme Court has held that once supervening circumstances are brought to the notice of the Court, then the Court is clothed with power to revisit the bail granted to an accused.

11. The facts of the case are not in dispute. However, it is pertinent to note that though the anticipatory bail was granted by this Court as early as on 29.09.2022, even after two years, the respondents/accused did not even care to comply with the



CRL MP(MD) No.17638 of 2023

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conditions, which itself is a supervening circumstances, which should weigh in the mind of this Court while dealing with the prayer of the petitioner for cancellation of the said bail.

12. In the above circumstances, this Court has no hesitation in acceding the prayer sought for by the petitioner. Accordingly the bail granted to the respondent Nos.2 and 2/Accused A1 & A2 is cancelled and the third respondent police is directed to take immediate steps in accordance with law. Accordingly, the orders passed in Crl.O.P.Nos.16173 and 17192 of 2022 dated 29.09.2022 are set aside and this Criminal Original Petition is allowed.

sd/-
08/01/2024

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

RR

TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



CRL MP(MD) No.17638 of 2023

3 THE INSPECTOR OF POLICE
VADIPATTI POLICE STATION,
MADURAI DISTRICT.

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

+2 CC to M/s.J.PAREKH KUMAR, Advocate (SR-412, 411[I] dated 09/01/2024)

ORDER
IN
CRL MP(MD) Nos.17638 & 17641 of 2023
IN
CRL OP(MD) Nos.16173 & 17192 of 2022
Date :08/01/2024

SS/JGB/SAR- /12/01/2024/6P/7C

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