



Crl.M.P.(MD) Nos.17815 and 17819 of 2023

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

Crl.M.P.(MD) Nos.17815 and 17819 of 2023

in

Crl.O.P.(MD) Nos.20894 and 21121 of 2023

AARTHY

... PETITIONER/DEFACTO COMPLAINANT  
IN BOTH PETITIONS

Vs

1 THE INSPECTOR OF POLICE  
CHINNAMANUR POLICE STATION,  
THENI DISTRICT.  
CRIME NO.485/2023.

... 1<sup>st</sup> RESPONDENT/RESPONDENT  
IN CRL.MP(MD).17815/2023

2 PRADEEP @ PRADEEPRAJ

... RESPONDENT/PETITIONER  
IN CRL.MP(MD).17815/2023

1 THE SUB INSPECTOR OF POLICE,  
CHINNAMANUR POLICE STATION,  
THENI DISTRICT.  
CRIME NO.485/2023

... 1<sup>st</sup> RESPONDENT/RESPONDENT  
IN CRL.MP(MD).17819/2023

2 SHANKAR @ PRAGALATHAN

3 MUNISWARAN @ MUNIRAJ

... RESPONDENTS/PETITIONERS  
IN CRL.MP(MD).17819/2023



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Prayer in CRL MP(MD). 17815/ 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 granting Anticipatory bail to the 2nd respondent vide order dt.21.11.2023 made in Crl OP(MD) No.20894/2023 on the file of this Hon'ble High Court in connection with the FIR in Crime No.485/2023 on the file of the 1st respondent police.

Prayer in CRL MP(MD). 17819/ 2023 :

To cancel the order of granting anticipatory bail to the 2nd and 3rd respondents vide order dated 27.11.2023 made in Crl.OP(MD)No.21121/2023 on the file of this Hon'ble High Court in connection with the FIR in Crime No.485/2023 on the file of the 1<sup>st</sup> respondent police.

Order : These Criminal Miscellaneous Petitions coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JEYAKARTHIK.M.S, Advocate for the petitioner in both Petitions and of Mr.P.KOTTAICHAMY, Government Advocate(crl.side) on behalf of the 1<sup>st</sup> Respondent in both Petitions and Mr.SARVAGAN PRABHU, Advocate for the 2<sup>nd</sup> Respondent in Crl.MP.(MD).17815/2023 and Mr.P.JEYASANKAR, Advocate for the Respondents No.2 & 3 in Crl.MP(MD).17819/2023, the court made the following order:-

These Miscellaneous Petitions have been filed to cancel the anticipatory bail granted to the respondents/accused by this Court dated 21.11.2023 and 27.11.2023 in Crl.O.P.(MD) Nos.20894 and 21121 of 2023.

2. The case of the prosecution is that the respondents/accused attacked the de-facto complainant, due to which, the de-facto complainant sustained injuries and he was admitted in the hospital. It is alleged that though the occurrence had happened on 09.09.2023, the de-facto complainant was admitted in the hospital on 10.09.2023



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and as against the medical advice, he was admitted in the private hospital on 11.09.2023 and he continuously took treatment and was not able to give a complaint.

Subsequently only on 18.10.2023, the complaint came to lodged through registered post and on receipt of the complaint, the respondent police registered a case in Crime No.485/2023.

3. The learned counsel for the petitioner would submit that though the assault was made on 09.09.2023, the petitioner was admitted in the hospital on 10.09.2023 and thereafter he undergone a surgery and spent more than a sum of Rs.5 lakhs for his surgery and therefore, there is a delay in preferring the complaint. However, without considering the gravity of the injury and the nature of the offence, this Court had granted anticipatory bail to the respondents/accused on 21.11.2023 and 27.11.2023 and hence, prays for cancellation of anticipatory bail.

4. The learned counsel for the respondents would submit that if at all the bail has to be cancelled, there must be superevening circumstances and in the present case, no superevening circumstances were raised by the petitioner and hence, prays for dismissal of this petition.

5. Heard the Learned Government Advocate (Crl.Side) on the above submissions, who would submit that due to the attack on the de-facto complainant by the accused persons, a case came to be registered.



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6. In the present case, the accused persons were released on anticipatory bail by this Court on 21.11.2023 and 27.11.2023 considering the facts and circumstances of the case and the injury suffered. However, 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). Hence, in the absence of any supervening circumstances brought before this Court, the prayer as sought for by the petitioner cannot be acceded to.

7. For the reason aforesaid, the petitions seeking to cancel the anticipatory bail granted to respondents/accused cannot be sustained and, accordingly, the same are dismissed.

sd/-  
10/01/2024

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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 INSPECTOR OF POLICE  
CHINNAMANUR POLICE STATION,  
THENI DISTRICT.

2 THE SUB INSPECTOR OF POLICE,  
CHINNAMANUR POLICE STATION,  
THENI DISTRICT.

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



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

+2 CC to M/s.M.S.JEYAKARTHIK, Advocate ( SR-686, 735 [I] dated 12/01/2024 )

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate ( SR-532[I] dated 10/01/2024 )

+1 CC to M/s.P.JEYASANKAR, Advocate ( SR-531[I] dated 10/01/2024 )

ORDER  
IN  
Crl.M.P.(MD) Nos.17815 and 17819 of 2023  
in  
Crl.O.P.(MD) Nos.20894 and 21121 of 2023  
Date :10/01/2024

SA/DD/SAR. /22.01.2024/5P/8C

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