



CRL OP(MD) No.22969 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 OP(MD) Nos.22969 & 22970 of 2023

SHENBAGAMARI

... PETITIONER/DEFACTO COMPLAINANT
IN BOTH CRL OP's

Vs

1 THE INSPECTOR OF POLICE
CHINNAKOVILANKULAM POLICE STATION,
CRIME NO.175/2023

... 1ST RESPONDENT/COMPLAINANT
IN BOTH CRL OP's

2 SARAVANAKUMAR

... 2ND RESPONDENT/PETITIONER/1ST ACCUSED

3 VIGNESH

... 3RD RESPONDENT/PETITIONER/3RD ACCUSED

4 VETRISIVA

... 4TH RESPONDENT/PETITIONER/6TH ACCUSED
IN CRL OP(MD).22969/2023

2 KUNDAS ARUNKUMAR @ VATHIYAN ARUNKUMAR

... 2ND RESPONDENT/PETITIONER/2ND ACCUSED
IN CRL OP(MD).22970/2023

Prayer in CRL OP(MD). 22969/ 2023 :

To call for the records relating to the order dated 16.11.2023 made in Cr.MP.No.15557/2023 on the file of the learned Principal Sessions Judge, Tirunelveli and cancel the bail granted to the respondents 2 to 4/accused accused 1,3,6



CRL OP(MD) No.22969 of 2023

Prayer in CRL OP(MD). 22970/ 2023 :

To call for the records relating to the order dated 16.11.2023 made in Cr.MP.No.15558/2023 on the file of the learned Principal Sessions Judge, Tirunelveli and cancel the bail granted to the respondents 2/accused No.2

COMMON ORDER : These Criminal Original Petitions coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.P.PRAKASH, Advocate for the petitioner in both CRL OP's and of MR.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the 1st Respondent in both CRL OP's , the Court made the following order:-

These Criminal Original Petitions are filed to cancel the anticipatory bail granted to the respondents by the learned Principal Sessions Judge, Tirunelveli, vide common order dated 16.11.2023 in CrI.M.P.Nos.15557 and 15558 of 2023.

2. The case of the prosecution is that the petitioner is the defacto complainant and she made a complaint before the respondent Police stating that her husband was kidnapped by the accused persons with intention to commit murder, due to previous enmity. But after a great struggle, the petitioner's husband managed to escape. But the first accused murmuring to the villagers that at any time, he would kill the petitioner's husband. In such circumstances, the trial Court granted anticipatory bail to the respondents without considering the fact that sixteen previous cases are pending against the respondent No.2 in CrI.O.P(MD) No.22970 of 2023 and many previous cases are pending against the accused persons in CrI.O.P(MD) No.22969 of 2023. Challenging the same, these petitions have been filed.



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3. The learned counsel for the petitioner would submit that without considering the fact that sixteen previous cases are pending against the respondent No.2 in CrI.O.P(MD) No.22970 of 2023 and many previous cases are pending against the accused persons in CrI.O.P(MD) No.22969 of 2023, the trial Court granted anticipatory bail to the respondents. Hence, he prays to cancel the anticipatory bail granted to the respondents.

4. The learned Additional Public Prosecutor appearing for the State would submit that considering the previous cases pending against the respondents, the trial Court granted anticipatory bail to them. Further he would submit that there must be superevening circumstances for canceling the anticipatory bail already granted. In the present case, no superevening circumstances were raised by the petitioner. Hence, prays for dismissal of this petition.

5. The fact in the present case is that without considering the previous cases pending against the respondents, the trial Court granted anticipatory bail to them. However, no superevening 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.



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6. For the reason aforesaid, the petition seeking to cancel the anticipatory bail granted to respondents in both the petitions cannot be sustained and, accordingly, the same are dismissed.

sd/-
08/01/2024

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/02/2024

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

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TO

- 1 THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE, CHINNAKOVILANKULAM POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) Nos.22969 & 22970 of 2023
Date :08/01/2024

RS/VR/SAR-(01.02.2024) 4P 4C
Madurai Bench of Madras High Court is issuing
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