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Crl.OP.No. 29864 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 29864 of 2025

Mary Martin Melcy

Petitioner/
De-facto complainant

Versus

1.Mahesh Anand Anton

First Respondent/A1

2.The State rep. by
Sub Inspector of Police
AWPS Madipakkam Police Station
Crime No. 2 of 2024.

....Respondent/
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to cancel the bail granted to the first respondent/A1 by order dated 18.11.2024 passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, in Crl.M.P.No. 969 of 2024 to ensure fair trial.



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For Petitioner : Mr.Balaji Sankara Moorthy
For R1 : Mr.K.S.Arumugam
For R2 : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/de-facto complainant seeking to cancel the bail already granted to the first respondent/A1 by order dated 18.11.2024 in Crl.M.P.No. 969 of 2024 by the learned Judicial Magistrate, Additional Mahila Court, Alandur.

2. Earlier, the Trial Court had granted bail to the first respondent for the offences punishable under Sections 406 and 410 IPC in Crime No. 02 of 2024 in Crl.M.P.No. 969 of 2024, dated 18.11.2024 passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, with certain conditions imposed on him.

3.The learned Counsel for the petitioner/de-facto complainant submitted that the first respondent herein suppressing the earlier bail order of dismissal dated 07.11.2024 in Crl.M.P.No. 886 of 2024 on the file of Judicial Magistrate, Additional Mahila Court, and subsequently, within five days, the



second bail application in Crl.O.P.No. 969 of 2024, dated 18.11.2024 which has been filed and the same was granted to the first respondent. He further submitted that the allegation against the first respondent is that he had taken all the gold jewels of the de-facto complainant and the same were handed over to the second accused and all the gold jewels were not recovered from the first respondent herein. Therefore, the learned Counsel for the petitioner/de-facto complainant prays to cancel the bail already granted by the Trial Court.

4.The learned Counsel for the first respondent/A1 submitted that there was no suppression of fact in this case and while hearing bail petition of the first respondent, the de-facto complainant was also appeared before the Trial Court and submitted all facts including the fact that the gold jewels belongs to the de-facto complainant were not recovered from the first respondent. He further submitted that the first respondent/A1 had already deposited a sum of Rs.2,00,000/- by way of Demand Draft to the de-facto complainant and complied with all the conditions. Therefore, the learned Counsel prays to dismiss the above petition.



5.The learned Government Advocate [Criminal Side] appearing for the respondent police submitted that investigation has not yet been completed.

6.Heard both sides and perused the records.

7. I have also gone through the bail order dated 18.11.2024 in Crl.M.P.No.969 of 2024 passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, which reveals that the gold jewels are under the custody of the first respondent/A1. Further, the learned Counsel for the Intervener/de-facto complainant also appeared before this Court and strongly objected on the ground that the gold jewels which belong to the de-facto complainant have not been recovered from the first respondent/A1 herein.

8.Taking note of the fact that the Trial Court Judge had granted bail to the first respondent/A1 with certain conditions; “that the first respondent shall deposit a sum of Rs.2,00,000/- and also surrender his passport”. It was further stated that the conditions were imposed on the first respondent to appear before the respondent police for 30 days. It is also confirmed by the



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learned Government Advocate that the first respondent/A1 herein had been complied with the conditions as stipulated imposed by the Trial Court.

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9.Considering the fact that the intervener has also appeared in the second bail application, and though there was no mentioning regarding the earlier bail application which was dismissed by the trial Court, I am of the view that after raising objections before the learned Judicial Magistrate, Additional Mahila Court, Alandur, the petitioner/de-facto complainant cannot now come and say that the first bail application was suppressed. Further, the learned Judicial Magistrate, while granting bail, considered the merits of the case, necessity of custodial interrogation etc. Since the first respondent has not violated any condition and bail was ordered on 18.11.2024, this Court is inclined to cancel the bail after one year on the grounds raised in this petition.

10. Accordingly, this Criminal Original Petition is dismissed.

09.10.2025

MSM



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To

1. The Judicial Magistrate,
Additional Mahila Court, Alandur.

2. The Sub Inspector of Police
AWPS Madipakkam Police Station
Crime No. 2 of 2024.

3. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.,

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