

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 07.07.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1168 of 2015

S.Kannan

... Petitioner

Vs

1. Karthick & Abu Karthick @
Ahamed Abu Bucker

2. State rep.by
Inspector of Police,
J-7, Velacherry Police Station,
Chennai-600 042.

... Respondents

Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. praying to cancel the bail granted to the accused/1st respondent in Crl.M.P.No.52 of 2015 dated 07.01.2015 by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, in respect of the case in Crime No.1358 of 2014 on the file of the 2nd respondent.

For Petitioner : Mr.K.M.Subramaniam

For Respondents : Mr.V.Ramana Reddy (For R1)
Mr.M.Mohamed Riyaz, Govt. Advocate (Crl.Side)
(For R2)

ORDER

The present criminal original petition has been filed seeking to cancel the bail granted to the 1st respondent/accused in Crl.M.P.No.52 of 2015 by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai vide order dated 07.01.2015.

2.The brief facts of the case is as follows:- The 1st respondent/accused, by blackmailing, has extracted a sum of Rs.3,40,000/- along with gold jewel from the daughter of the petitioner herein/defacto-complainant. When the petitioner herein came to know about the same, he lodged a complaint with the respondent-Police on 13.09.2014 When the 1st respondent herein/accused

filed anticipatory bail petition in CrI.O.P.No.28556 of 2014, the petitioner intervened and objected the same. On 07.11.2014, the said anticipatory bail petition filed by the 1st respondent herein was dismissed by this Court and in the dismissal order, this Court has recorded the admission made by the 1st respondent/accused to the effect that he had received Rs.1 lakh from the daughter of the defacto-complainant. Again the 1st respondent/accused filed another anticipatory bail petition in CrI.O.P.No.31594 of 2014 before this Court and the said second anticipatory bail petition was also dismissed by this Court. Thereafter, the 2nd respondent-Police had arrested the 1st respondent-accused on 05.01.2015 at about 7.00 pm and he had been remanded to judicial custody by the learned XVIII Metropolitan Magistrate, Chennai. Thereafter, the 1st respondent/accused filed a bail petition in CrI.M.P.No.3233 of 2014 before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and in the said bail petition, the petitioner herein/defacto-complainant had also filed intervening petition. But, when the petitioner and his counsel were waiting in the Court Hall, the said bail petition was not called and when they enquired about the bail petition, they were informed by the Court Officer that in the said Magistrate's chamber itself the bail was ordered and the sureties were also accepted for the 1st respondent/accused. Hence, the present petition has been filed by the petitioner seeking cancellation of the bail.

3.The learned Government Advocate (CrI.Side) submitted that on completion of investigation, already charge-sheet has been filed before the XVIII Metropolitan Magistrate, Saidapet, Chennai and the same was taken on file as C.C.No.3294 of 2015.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 1st respondent/accused and the learned Government Advocate (CrI.Side) appearing for the 2nd respondent-Police. I find that absolutely no ground has been made out by the petitioner to cancel the bail order granted to the 1st respondent herein. Hence, I am not inclined to cancel the bail granted to the 1st respondent. However, since on completion of investigation the chargesheet has already been filed and the same has been taken on file by the Court below, a suitable direction could be issued to the Court below to complete the trial as early as possible.

In fine, the criminal original petition is dismissed. However, the Court below is directed to complete the trial in C.C.No.3294 of 2015 as expeditiously as possible, preferably within a period of three months, from the date of receipt of a copy of this order.

Sd/-

Asst.Registrar (CS II)

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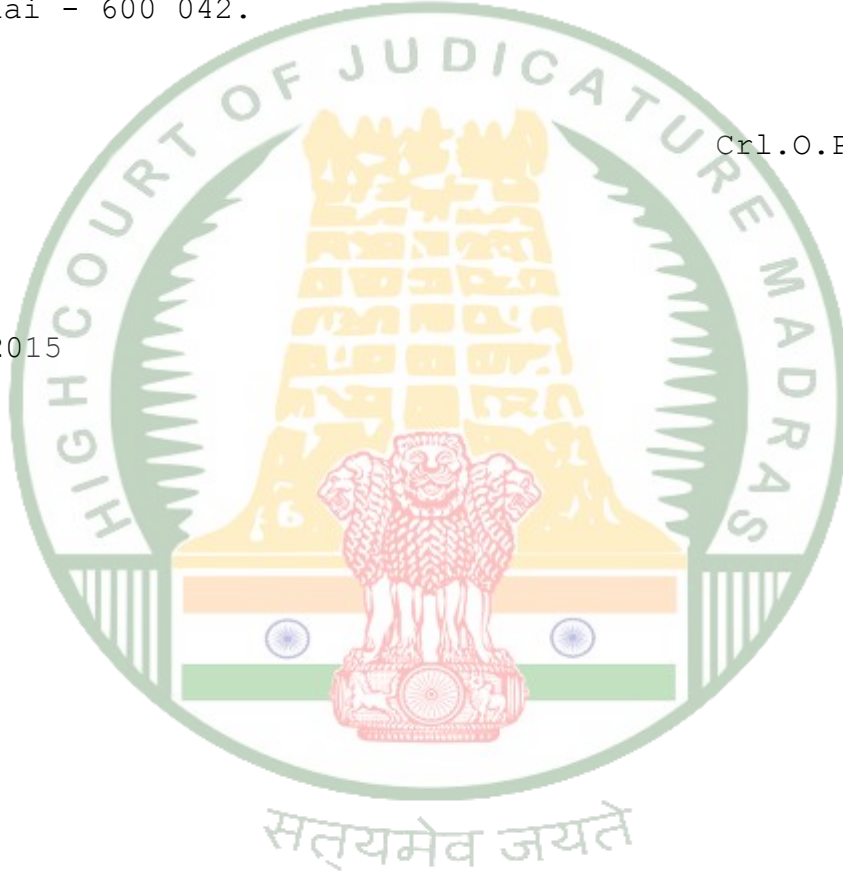
Sub Asst. Registrar

To

1. The XVIII Metropolitan Magistrate, Saidapet, Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector,
J.7 Velachery Police Station,
Chennai - 600 042.

Cr1.O.P.No.1168 of 2015

GGK
RS 07/08/2015



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