

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

CrI.R.C.No.611 of 2016
and
CrI.M.P.No.4282 of 2016

Perumal Petitioner/Accused

Vs.

1. C.Chinnadurai Respondent/De facto Complainant
2. State by Inspector of Police,
Namakkal Police Station,
Namakkal.
(Crime No.725/2015) Respondent/Complainant

Prayer: Criminal Revision Case filed under Section 397 of the Code of Criminal Procedure, against the order passed by the learned Principal District and Sessions Judge, Namakkal, in C.M.P.No.127 of 2016, dated 05.04.2016.

For Petitioner : Mr.C.Munusamy

For R-1 : Mr.B.Vasudevan

For R-2 : Mr.V.Arul,
Government Advocate (CrI.Side)

ORDER

This criminal revision case is directed against the order passed by the learned Principal District and Sessions Judge, Namakkal, in C.M.P.No.127 of 2016, dated 05.04.2016, allowing the petition filed by the first respondent/de facto complainant under Section 439(2) of Cr.P.C. for cancellation of bail.

2. In this case, the revision petitioner/accused was charged for the offences under Sections 352 IPC r/w. 3(1)(X) of SC/ST

Act. The petitioner has filed a petition in Crl.O.P.No.28335 of 2015 before this Court seeking for a direction to the learned Principal District and Sessions Judge, Namakkal, to consider his bail petition on the same day on his surrender in Crime No.725 of 2015 and this Court, by order dated 25.11.2015, directed the learned Principal District and Sessions Judge, Namakkal, to consider the bail application to be submitted by the petitioner along with his surrender before that Court, on merits and pass appropriate orders. The revision petitioner/accused has filed a petition for bail in C.M.P.No.1146 of 2015 before the learned Principal Sessions Judge, Namakkal, and the learned Judge also granted conditional bail to the revision petitioner/accused. Since the revision petitioner/accused has violated the condition imposed by the learned Principal Sessions Judge, Namakkal, the first respondent herein/de facto complainant has filed a petition in C.M.P.No.127 of 2016 seeking cancellation of bail granted to the revision petitioner/accused stating that the accused is committing similar offence again on 09.01.2016 at about 6.50 p.m. and the accused is arranging to go abroad along with his son who has been arrayed as accused No.2 in the FIR and who has not been arrested till this time by the police. The learned Principal District and Sessions Judge, Namakkal, by order dated 05.04.2016, allowed the said petition and cancelled the bail granted to the accused in C.M.P.No.1146 of 2015. As against the said order, the present criminal revision case is filed by the petitioner/accused before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent as well as the learned Government Advocate (Crl.Side) appearing for the second respondent and perused the order passed by the trial Court.

4. The de facto complainant has filed a petition before the trial Court for cancellation of bail granted to the accused on the allegation that the accused has committed the similar offence on 09.01.2016 at 6.50 p.m. and further the accused is arranging to go abroad along with his son, who has been arrayed as accused No.2 in the FIR. To prove the said facts, no document was produced on the side of the de facto complainant. Except the above two grounds, no other grounds or allegations are mentioned by the de facto complainant to cancel the bail already granted to the revision petitioner/accused. Hence, this Court is of the considered that the order passed by the trial Court in allowing the petition filed by the de facto complainant for cancellation of bail is liable to be set aside.

5. In the result, the Criminal Revision Case is allowed and the order passed by the learned Principal District and Sessions Judge, Namakkal, in C.M.P.No.127 of 2016, dated 05.04.2016, is set aside. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Namakkal.
2. The Inspector of Police,
Namakkal Police Station,
Namakkal.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Munusamy, Advocate Sr.51780

Cr1.R.C.No.611 of 2016

mg[co]
srg 05/10/2016

WEB COPY