

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4758 of 2016

ShreeDevi

... Petitioner/Petitioner/Defacto
Complainant

Vs.

1. State Represented by
Inspector of Police
B-2, R.S.Puram, Law & Order Police Station
Coimbatore - 02.

... 1st Respondent/1st Respondent/Complainant

2. Ramesh Kumar @ C.Ramesh Kumar Bafna
S/o.Chandan Malji

3. Naresh Kumar
S/o.Manjilal

... 2nd & 3rd Respondents/2nd & 3rd
Respondents/Accused Nos.1 & 2

Prayer:

Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order dated 12.01.2016 made in C.M.P.No.7472 of 2015 in Cr.No.749 of 2015 on the file of the Judicial Magistrate - I, Coimbatore.

For Petitioner : Mr.I.Abrar Md Abdullah

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor, for R1

Mr.Udaya P.S.Menon, for R2 and R3

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O R D E R

The petitioner has come up with the present Criminal Original Petition seeking to set aside the order dated 12.01.2016 made in C.M.P.No.7472 of 2015 in Cr.No.749 of 2015 on the file of the Judicial Magistrate - I, Coimbatore.

2. The learned counsel appearing for the petitioner would submit that the petitioner herein has filed an application in

C.M.P.No.7472 of 2015 seeking to cancel the bail granted to the respondents 2 & 3/accused on the ground that though a specific direction was given by this Court while granting Anticipatory Bail stating that the petitioner shall appear before the Court within a period of 15 days from the date of receipt of a copy of the order, the respondents had not complied with the said condition. It is the contention of the petitioner that when the order copy was delivered to the respondents on 27.11.2015, the respondents ought to have surrendered before the Court on or before 09.12.2015. However, the respondents surrendered before the Court only on 14.12.2015. Hence, the the petitioner filed a petition seeking to cancel the bail. However, the Trial court after considering the said application in detail, had dismissed the same, against which the petitioner has come forward with the present Criminal Original Petition.

3. Per contra, the learned counsel appearing for the respondents 2 and 3 would submit that though the order copy was made ready on 25.11.2015, the respondents had received the same only on 27.11.2015. Hence, the time period of 15 days granted by the Court ended only on 12.12.2015. However, since 12.12.2015 and 13.12.2015 were holidays, the respondents surrendered before the Court on 14.12.2015. Thus, the learned counsel appearing for the respondents 2 and 3 would submit that the respondents had not violated the condition imposed by the Trial Court and prayed for the dismissal.

4. On considering the rival submissions made by both sides, it is seen that though the order copy was made ready on 25.11.2015, it was received by the respondents only on 27.11.2015. Hence, the time period of 15 days granted by the Court ended only on 12.12.2015. Since 12.12.2015 and 13.12.2015 were holidays, the respondents surrendered before the Court on 14.12.2015. Thus, I am of the view that the Trial court has considered the said aspect in proper perspective and dismissed the application preferred by the petitioner for cancellation of the bail granted to the respondents.

5. Hence, I do not find any reason to interfere with the order dated 12.01.2016 made in C.M.P.No.7472 of 2015 and consequently, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

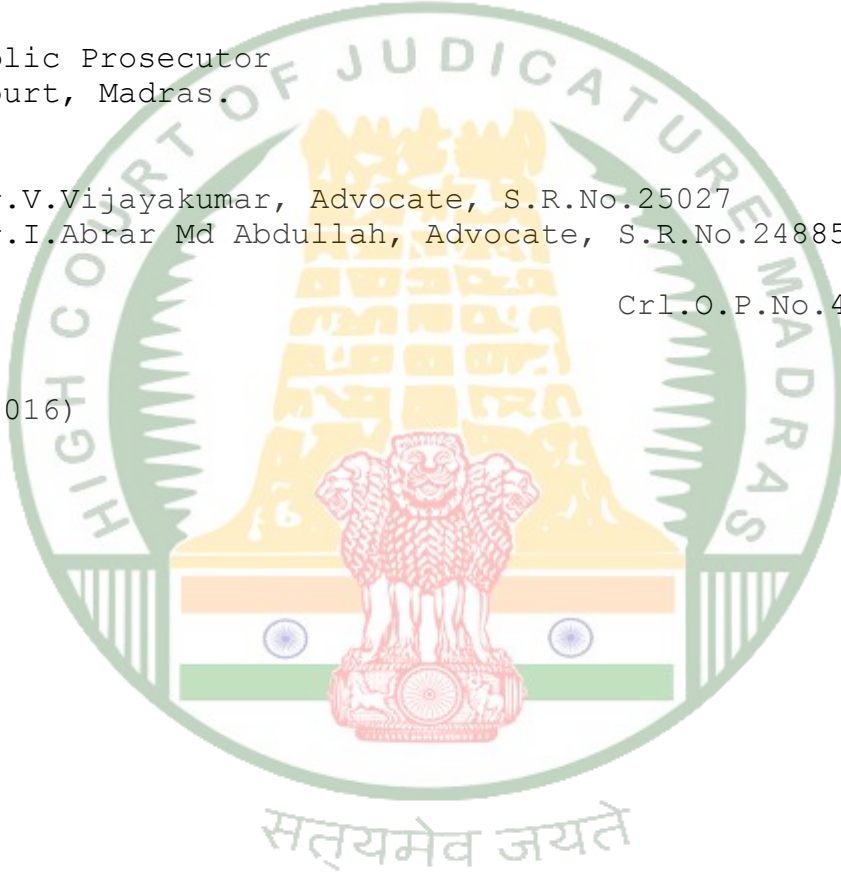
1. The Judicial Magistrate I,
Coimbatore.
2. Do- Through The Chief Judicial Magistrate,
Coimbatore.
3. The Inspector of Police
B-2, R.S.Puram, Law & Order Police Station
Coimbatore - 02.
4. The Public Prosecutor
High Court, Madras.

+lcc to Mr.V.Vijayakumar, Advocate, S.R.No.25027

+lcc to Mr.I.Abrar Md Abdullah, Advocate, S.R.No.24885

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RSY(CO)
CA(10/05/2016)



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