



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Cr1.O.P (MD).No.9093 of 2016

Iyappan

: Petitioner

Vs.

1. The state rep. by
the Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No. 113 of 2014)

2. Kaleeswaran

: Respondents

Prayer: This petition is filed under Section 439(2) of Cr.P.C for cancellation of bail granted in favour of the 2nd respondent by the learned Judge, Mahila Court, Dindigul District in Cr.M.P.No.299 of 2016, dated 02.05.2016 in connection with the case in Crime No.113 of 2014 pending on the file of 1st respondent.

For Petitioner : Mr.R. Anand

For Respondent No.I : Mr.P. Kannithevan

Government Advocate (Cr1. Side)

ORDER

The petitioner/defacto complainant has filed this petition seeking for cancellation of bail granted by the learned Judge, Mahila Court, Dindigul District in Cr.M.P.No.299 of 2016, dated 02.05.2016.

2.The second respondent/sole accused is charged for the offences under Sections 302, 449, 380 and 366(A) IPC r/w Section 4 of Protection of Children from Sexual Offences Act in Crime No.113 of 2014.

3.The learned counsel for the petitioner has come up with the present petition for cancellation of bail on the following grounds:-

(i) The gravity of the offences were not considered by the trial Court.

(ii) Under Section 167(2) Cr.P.C., charge sheet has to be filed within 90 days, but in the present case, charge sheet has been filed after 8 months and statutory bail application was not



filed by the second respondent/accused.

(iii) The victim girl is studying 9th standard and the second respondent/accused was working as a driver and she is facing life threat.

(iv) The second respondent/accused is not regularly appearing before the trial Court.

4.The learned Government Advocate (Criminal Side) submitted that the second respondent/accused is complying the condition regularly and appearing before the trial Court. There are totally 56 witnesses. Trial commenced. Out of 56 witnesses, 12 witnesses were examined and the case is posted for examination of other witnesses on 26.08.2016. He further submitted that trial will be concluded within two months.

5.Bail once granted and the same can be cancelled only, while granting bail, the Court failed to consider the gravity of offence, *prima facie* case, quantum of punishment of conviction, accused failed to comply with the condition imposed or tamper with evidence and influence the witness.

6.In the present case, R.2 is complying with the condition imposed. The learned Judge, Mahila Court, Dindigul District has considered and enlarged R.2/accused on bail.

7.Considering the above facts and the contention of the learned Government Advocate (Criminal Side) that trial has commenced and 12 witnesses have been examined, this Criminal Original Petition is dismissed directing the trial Court to complete the trial as expeditiously as possible in any event not later than four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Judge, Mahila Court, Dindigul District, Dindigul
2. The Inspector of Police,
Palani Taluk Police Station, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.R.ANAND, Advocate, SR No.49926

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