

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2017

CORAM :

THE HONOURABLE JUSTICE MR. P.N. PRAKASH

Criminal Original Petition No.13323 of 2016

D.Muthuraman

... Petitioner

Vs.

1. Ravi alias Uppu Ravi
2. The Inspector of Police,
Otteri Police Station,
Kanchipuram District,
(Crime No.238/2016)

... Respondents

Prayer:- Petition filed under Section 439 (2) of Cr.P.C., to cancel the bail granted in CrI.M.P.No.1686 of 2016 dated 10.06.2016 by the Learned Judicial Magistrate No.II, Chengalpattu.

For Petitioner	:	Mr. A.Rajesh Kanna
For R1	:	Mr. S.Parthasarathy
For R2	:	Mr. C.Emalias
		Additional Public Prosecutor

ORDER

This petition has been filed seeking to cancel the bail granted in CrI.M.P.No.1686 of 2016 dated 10.06.2016 by the learned Judicial Magistrate No.II, Chengalpattu.

2. On the complaint lodged by the petitioner, the respondent police registered a case in Cr.No.238 of 2016 for the offences u/s 294(b), 324 and 506(i) IPC against one Ravi and arrested him on 07.06.2016. The learned Judicial Magistrate No.II, Chengalput

granted bail in CMP No.1686 of 2016 on 10.06.2016 after hearing the learned counsel for the accused and the learned counsel for the de facto complainant. Aggrieved by the order passed by the learned Judicial Magistrate No.II, Chengalput, the de facto complainant is before this Court.

3. Heard the learned counsel for the petitioner/de facto complainant, learned counsel for the accused and the learned Additional Public Prosecutor appearing for the State.

4. The learned counsel for the petitioner/de facto complainant submitted that the trial Court ought not to have granted bail to the accused in a case of this nature.

5. Learned counsel for the respondent/accused strongly refuted the allegations.

6. This Court gave its anxious consideration to the rival submissions.

7. It is trite that the parameters for grant of bail are different from the parameters for cancellation of bail. The conditions for cancellation of bail are far more severe than those for grant of bail, since bail once granted, cannot be easily cancelled, unless it is shown that the bail order suffers from total perversity. The fact remains that the accused is arrested for the offences under Sections 294(b), 324 and 506(i) IPC, in which, this Court would normally grant anticipatory bail.

In view of the above, this petition stands dismissed.

21.08.2017

Index by : Yes/No
Internet by : Yes/No
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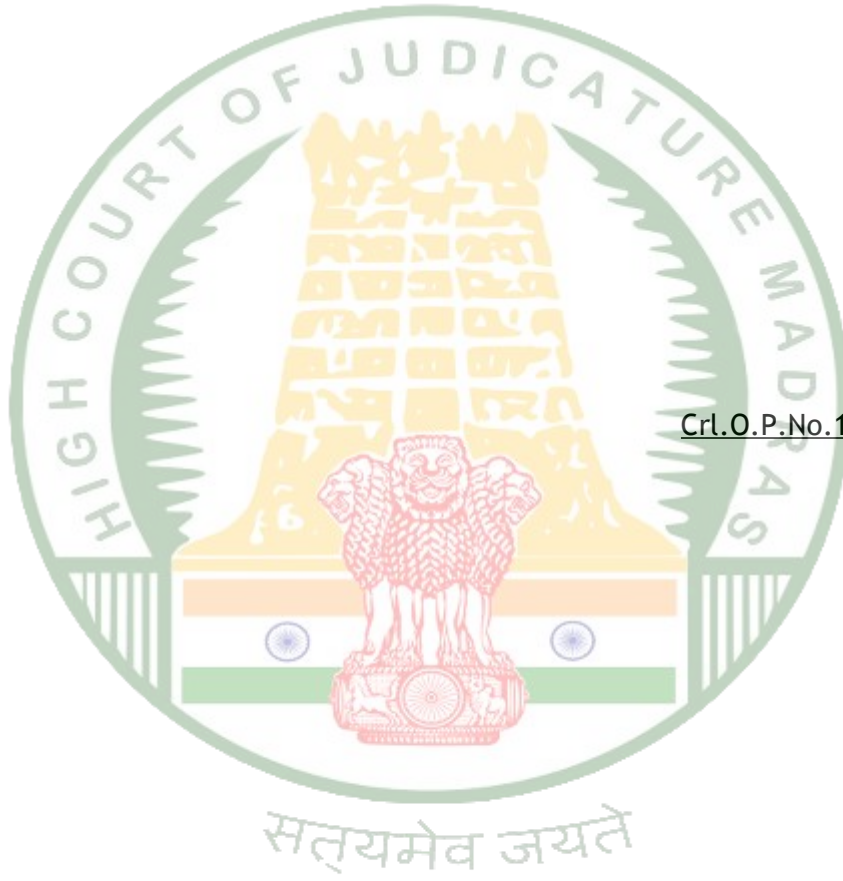
1. The Inspector of Police
Otteri Police Station
Kanchipuram District.

2. The Judicial Magistrate No.II,
Chengalpattu.

3.The Public Prosecutor
High Court, Madras.



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