

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2017

CORAM :

THE HONOURABLE JUSTICE MR. P.N. PRAKASH

Criminal Original Petition No.13344 of 2016

J.Kamala

... Petitioner

Vs.

1. The Sub-Inspector of Police
Anti Land Grabbing Special Cell/DCB,
Nagapattinam,
(Crime No.08/2016)

2. Ganesan

... Respondents

Prayer:- Petition filed under Section 439 (2) of Cr.P.C., to cancel the bail granted to the 2nd Respondent by order dated 04.06.2016 made in Crl.M.P.No.1809 of 2016 on the file of the Court of Judicial Magistrate No.I, Nagapattinam.

For Petitioner	:	Mr.N.S.Sivakumar
For R1	:	Mr. C.Emalias
		Additional Public Prosecutor
For R2	:	Mr.S.Sounthar

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ORDER

This petition has been filed to cancel the bail granted to the 2nd Respondent by order dated 04.06.2016 in Crl.M.P.No.1809 of 2016 on the file of the Court of Judicial Magistrate No.I, Nagapattinam.

2. On the complaint lodged by Kamala, the respondent police registered a case in

Cr.No.8 of 2016 for the offences u/s 447, 468, 471 and 506(ii) IPC against Ganesan. Ganesan was arrested by the police on 03.06.2016. The learned Judicial Magistrate No.I, Nagapattinam, by order dated 04.06.2016 in CrI.MP No.1809 of 2016 granted bail to Ganesan after hearing the de facto complainant, who filed an intervening petition in CrI.M.P.No.1810 of 2016. Aggrieved by the order dated 04.06.2016, Kamala, 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 without taking into consideration the nature of the allegations in the FIR. He also submitted that the accused had violated the bail condition, by not reporting before the respondent police at 10.30 a.m. as directed by the trial Court. He further submitted that the accused threatened the de facto complainant to withdraw the complaint.

5. Learned counsel for the second 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. If the accused had violated the conditions, it is always open to the police to move the learned Judicial Magistrate No.I, Nagapattinam, for cancellation of bail.

With the above observation, this petition stands dismissed.

21.08.2017

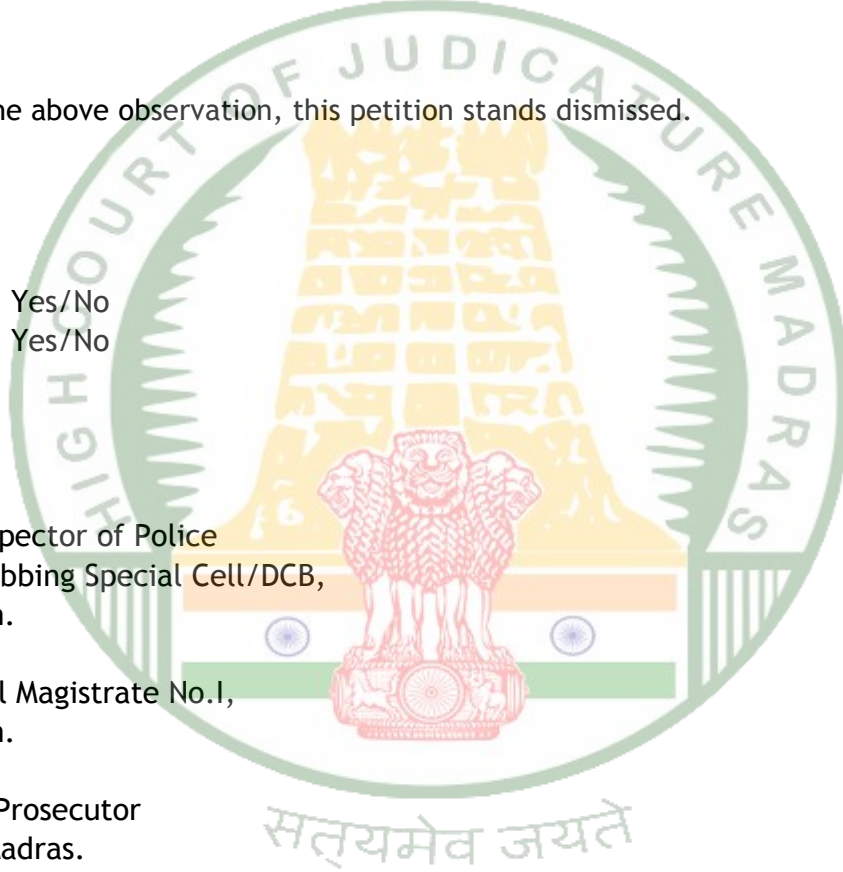
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To

1.The Sub-Inspector of Police
Anti Land Grabbing Special Cell/DCB,
Nagapattinam.

2.The Judicial Magistrate No.I,
Nagapattinam.

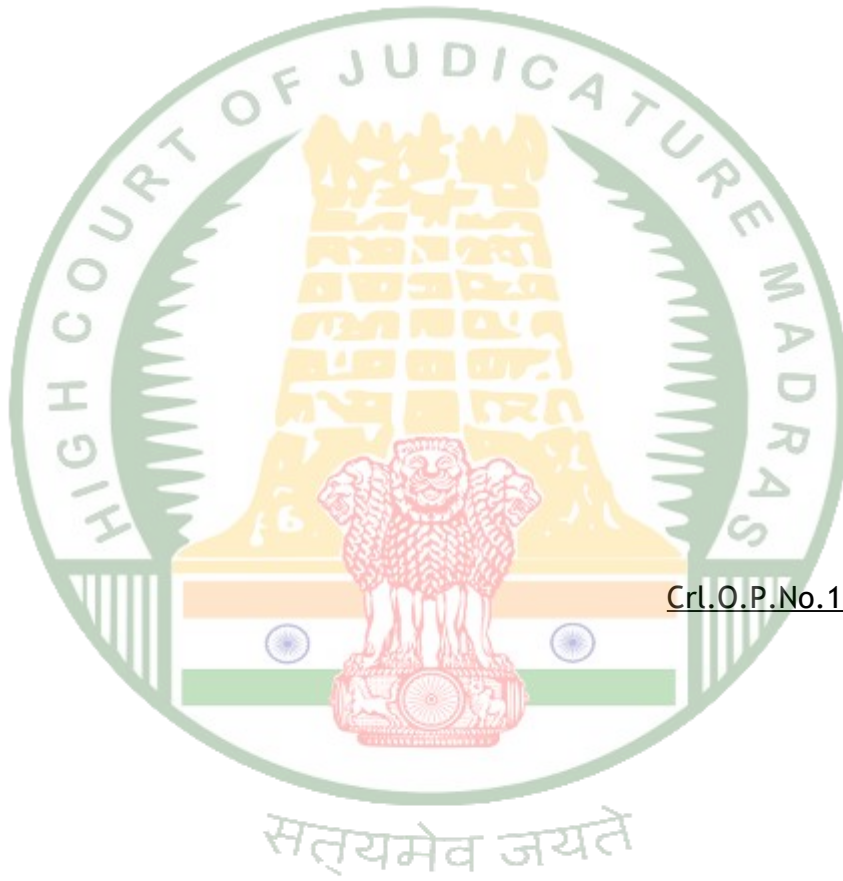
3.The Public Prosecutor
High Court, Madras.



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P.N.PRAKASH, J.

msm



Crl.O.P.No.13344 of 2016

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21.08.2017