

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P.No.24039 of 2017

B.Madhumathi

.... Petitioner

Vs

1. S.Babu

2. The State represented by
The Inspector of Police,
W-1, AWPS, Thousand lights,
Chennai-600 006.
Crime No.8/2016

.... Respondents

Petition filed under Section 439(2) of Criminal Procedure Code to cancel the anticipatory bail granted to the above accused in Crl.O.P.No.1699/2017.

For Petitioner : Mr.A.P.Loganathan

For Respondents: Mr.K.Madhan,
Government Advocate (Crl. Side)

O R D E R

For the sake of convenience, the parties will be referred to by their name.

2. On the complaint lodged by Madhumathi, the police registered a case in Crime No.8 of 2016 under Sections 406 and 498A IPC against Babu and his family members. This court, by order dated 06.09.2017, in Crl O.P.No. 1699 of 2017, granted anticipatory bail to Babu, the first respondent herein, on certain conditions. This petition for cancellation of anticipatory bail has been filed by Madhumathi on the ground that Babu is not properly paying the maintenance amount and that he and his family members are harassing Madhumathi during Domestic Violence Act proceedings before the Additional Mahila Court, Egmore. It is seen that investigation has been completed in Crime No.8 of 2016 and charge sheet has also been filed in C.C.No.176 of 2017 against Babu before Additional Mahila Court, Magisterial level, Allikkulam, (Egmore), Chennai.

4. If Babu does not appear before Trial Court or does not cooperate, it is always open to the Trial Court to cancel the anticipatory bail since this Court has empowered the trial Court in the order dated 06.09.2017 in Crl. O.P.No. 1699 of 2017.

5. On the grounds raised by Madhumathi, the bail cannot be cancelled and it is for her to workout her remedies in the manner known to law for collecting the arrears of maintenance. If there is any assault committed by Babu and his family members, its always open to Madhumathi and her family members to lodge a fresh complaint for assault before the jurisdictional police station.

6. With the above observation, this petition stands dismissed.

Sd/-
Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

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To

1. The Additional Mahila Court
Magisterial Level
Egmore, Chennai.
2. The Inspector of Police,
W-1, AWPS, Thousand lights,
Chennai-600 006.
3. The Public Prosecutor
High Court, Madras

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GN(12/12/2017)