

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2017

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.28008 of 2015

R.Palani

... Petitioner

Vs

1. Vijaya

2. Govindharaj

... Respondent/Accused 2 & 3

3. State Rep. by
Inspector of Police,
W-18, All Women Police Station,
M.K.B.Nagar, Chennai - 39.
Cr.No.4/2015.

... 3rd Respondents/Complainants

Criminal Original Petition filed under Section 439 (2) of Cr.P.C., praying to cancel the bail order granted to the respondents nos.1 & 2 on 05.11.2015 in Crl.M.P.No.18111 of 2015 by the Principal Sessions Court, Chennai.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.C.Emalias, APP for R3

O R D E R

This petition has been filed to cancel the bail order granted to the respondents 1 and 2 on 05.11.2015 in Crl.M.P.No.18111 of 2015 by the Principal Sessions Court, Chennai.

2. On the complainant lodged by Palani, the respondent police registered a case in Cr. No. 4 of 2015 for offences under Section 417, 506 (ii) IPC and Section 4 of the TNPWH Act against respondents 1 and 2, viz., Vijaya and Govindaraj. It is the case of Palani, that the betrothal of his daughter with one S.Arunkumar was performed on 27.08.2015 and thereafter, the marriage proposal was called off unilaterally by the bridegroom's family. Hence, the FIR.

3. Pursuant to the registration of the FIR, police arrested Vijaya and Govindaraj and they were remanded to custody. Vijaya and Govindaraj filed Crl.M.P.No.18111 of 2015 before the Sessions Court, Chennai and the learned Principal Sessions

Judge, Chennai was pleased to grant bail to them on 03.11.2015 after hearing Palani, the intervener also. Aggrieved by the said order, Palani is before this Court.

4. Heard the learned counsel for the petitioner who submitted that in a case of this nature where the petitioner's daughter's marriage was stalled, the Trial Court ought not to have granted bail to the accused.

5. The learned Additional Public Prosecutor submitted that the investigation in Cr. No.4 of 2015 has been completed and charge sheet has been filed in C.C. No.49 of 2017 before the Additional Mahila Court, Allikulam.

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

7. The fact remains that even before the marriage could be held, the marriage was called off. However, Vijaya and Govindaraj were arrested by the police and were remanded to custody. They were not granted anticipatory bail, but, only regular bail. Under such circumstances, this Court is of the view that this is not a fit case to cancel the bail that is granted to Vijaya and Govindaraj.

In the result, this petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cgi / gms

To

1. The Principal Sessions Judge,
Chennai.
2. Inspector of Police,
W-18, All Women Police Station,
M.K.B.Nagar, Chennai - 39.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.28008 of 2015

SCD(CO)
CS/11/08/17