

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

Coram:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.28225 of 2015

State represented by
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai. (Cr.No.2005/2015)

... Petitioner

Vs.

S.Mamtha

... Respondent

Prayer : Criminal Original Petition filed under Section 439 (2) of the Code of Criminal Procedure praying to cancel the bail granted to the respondent/accused by the Court of Sessions, Chennai in Crl.M.P.No.17614 of 2015 dated 27.10.2015.

For Petitioner : Mr.C. Emalias

Additional Public Prosecutor

For Respondent : Mr.Rajavelu

ORDER

This Criminal Original Petition has been filed to cancel the bail granted to the respondent/accused by the Court of Sessions, Chennai in CrI.M.P.No.17614 of 2015 dated 27.10.2015.

2. Mamta, the respondent herein is the mother of two children was a victim of wife battering at the hands of her husband and unable to withstand the same has attempted to commit suicide. She strangled her children using cotton rope and she also cut her veins using knife. Hence, a case in Crime No.2005 of 2015 was registered for the offences punishable under Section 302 I.P.C. Mamta. She was arrested and remanded to judicial custody on 13.10.2015 and she was released on bail by the Principal Sessions Judge, Chennai, on 27.10.2015, in CrI.M.P.No.17614 of 2015. The prosecution has filed the present petition to cancel the bail granted, on the ground that the bail was granted with an erroneous finding that Mamta suffered from Depression, but actually she did not.

3. Heard both sides.

4. The learned Additional Public Prosecutor would submit that the accused hails from Rajasthan and there is possibility of absconding, if the bail was not cancelled.

5. The fact remains that investigation was completed in the year 2015 and Charge Sheet was also filed and the case is pending trial in S.C.No.264/2016, before the V Additional Sessions Court, Chennai. It is also represented that the respondent is regularly appearing before the Trial Court. Further, the bail was granted in the year 2015 and till date, Mamta had not absconded.

7. In view of the above, this Court is of the view that this is not a fit case to cancel the bail. Hence, this petition stands dismissed.

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P.N.PRAKASH, J

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To

1. The Sessions Court, Chennai

2. The Additional Public Prosecutor
High Court, Madras



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