

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2017

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.29435 of 2015

B. Prathiba

... Petitioner/ Defacto complainant

Vs

1. A. Magesh Kumar

2. The Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Chennai - 600 045
Cr.No.30 of 2015.

..Respondents/ Complainant

Criminal Original Petition filed under Section 439(2) of Cr.P.C., to cancel the bail order dated 06.11.2015 in Crl.O.P.No.27534 of 2015

For Petitioners : Mr.M.Selvam

For Respondent : Mr.C.Emalias
(Additional Public Prosecutor)

ORDER

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This petition has been filed to cancel the bail order dated 06.11.2015 in Crl.O.P.No.27534 of 2015.

02. On the complaint lodged by the one Prathiba the respondent police registered a case in Cr.No.330/15 for offences under section 376, 417 IPC and arrested MageshKumar on 27.10.2015. Mageshkumar was enlarged on bail in

CrI.O.P.No. 27534/2014 by this Court on 06.11.2015. Now the present petition has been filed for cancellation of bail on the ground that after release of bail Mageshkumar is intending to marry one Anitha who is his cousin.

03.The learned Additional Public Prosecutor submitted that investigation in Cr.No.30/15 was completed and the case now is pending trial in SC.No. 84/2016 before the Fast Track Mahila Court, Chengalpattu. Out of 15 witness stated by the prosecution, 5 witnesses have been examined and Mageshkumar is regularly appearing before the trial Court.

04. In view of the above, this Court is of the considered view that it is not fit case to cancel the bail granted to Mageshkumar at this distant point of time.

05. If the accused adopts any dilatory tactics, it is open to the trial Court to remand him to custody in terms of the law laid down by the Supreme Court in **State of Uttar Pradesh v. Shambunath Singh [JT 2001 (4) SC 319]**.

06. If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above observations, this petition is closed.

10.08.2017

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To

1. The Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Chennai - 600 045

2.The Public Prosecutor, High Court, Madras.

Crl.O.P.No.29435 of 2015



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