

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM:

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

Crl.O.P.No.24783 of 2016

S. Sindhuja

..Petitioner

Vs.

1. Inspector of Police,
W-35, All Women Police Station,
Tambaram.

2. Sravan Kumar Reddy.

... Respondents

PRAYER: Criminal Original Petition filed under Section 439(ii) of the Code of Criminal Procedure to cancel the bail granted to the second respondent/accused by order dated 15.09.2016 in Crl.M.P.No.5574 of 2016 in Crime No.38 of 2016 passed by the learned Judicial Magistrate Court, Tambaram.

For Petitioner

: Mr. D. Dorai Raj

For Respondents

: Mr. C. Emalias
Additional Public Prosecutor for R1
P.J. Sriganesh
Legal Aid Counsel for R2.

ORDER

This Criminal Original Petition has been filed to cancel the bail granted to the second respondent/accused by order dated 15.09.2016, in Crl.M.P.No.5574 of 2016 in Crime No.38 of 2016 passed by the learned Judicial Magistrate Court, Tambaram.

2. On the complaint lodged by Sindhuja, the respondent police registered a case in Crime No.38 of 2016 for the offences under Sections 354, 506(i) and 4 of Prohibition of Harassment of Woman Act, 2002, against Sravan Kumar Reddy and arrested him on 04.09.2016. He was released on bail by the learned Judicial Magistrate, Tambaram, in C.M.P.No.5574 of 2016 on 15.09.2016 on certain conditions.

3. While so, Sindhuja has filed the present application for the cancellation of bail, on the ground that Sravan Kumar Reddy is continuing to harass her, even after his release on bail. Notice was served to Sravan Kumar Reddy in this application, but, he has not appeared before this Court. Thereafter, his name was directed to be printed in the cause list. Since, there was no representation for Sravan Kumar Reddy, this Court appointed Mr.P.J.Sriganesh to defend him.

4. Heard the learned counsel for Sindhuja and the learned counsel for Sravan Kumar Reddy.

5. The learned counsel for Sindhuja submitted that, since Sravan Kumar Reddy continues to harras her, even after his release on bail and therefore the bail which was granted to him has to be cancelled.

6. The learned counsel Mr. P.J.Sriganesh, put up a valiant defence for Sravan Kumar Reddy by submitting that he had fallen head on heels for the de-facto complainant and therefore, out of frustration he was sending such messages.

7. The learned counsel for the de-facto complainant produced the E-mail dated 21.07.2017, which was sent to her by Sravan Kumar Reddy, wherein he had threatened that he will commit suicide, if she does not give a positive response. Thus, it is clear that he continues to harras the de-facto complainant.

8. The learned Additional Public Prosecutor submitted that another case

has been registered against Sravan Kumar Reddy in Selayur Police Station,

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bri/arr

Crime No.2484/2016 on the same allegations. However, it is seen that investigation has been completed in Crime No.38 of 2016 and charge sheet has been filed in C.C.No.84 of 2017 before the Judicial Magistrate, Tambaram and the next hearing date is 21.09.2017.

9. Such being the case, this Court is of the considered view that it is not a fit case to cancel the bail already granted to Sravan Kumar Reddy and it is always open to the trial Court to proceed against him. If Sravan Kumar Reddy continues to harass the de-facto complainant, the Judicial Magistrate, Tambaram, may cancel his bail and remand him to custody.

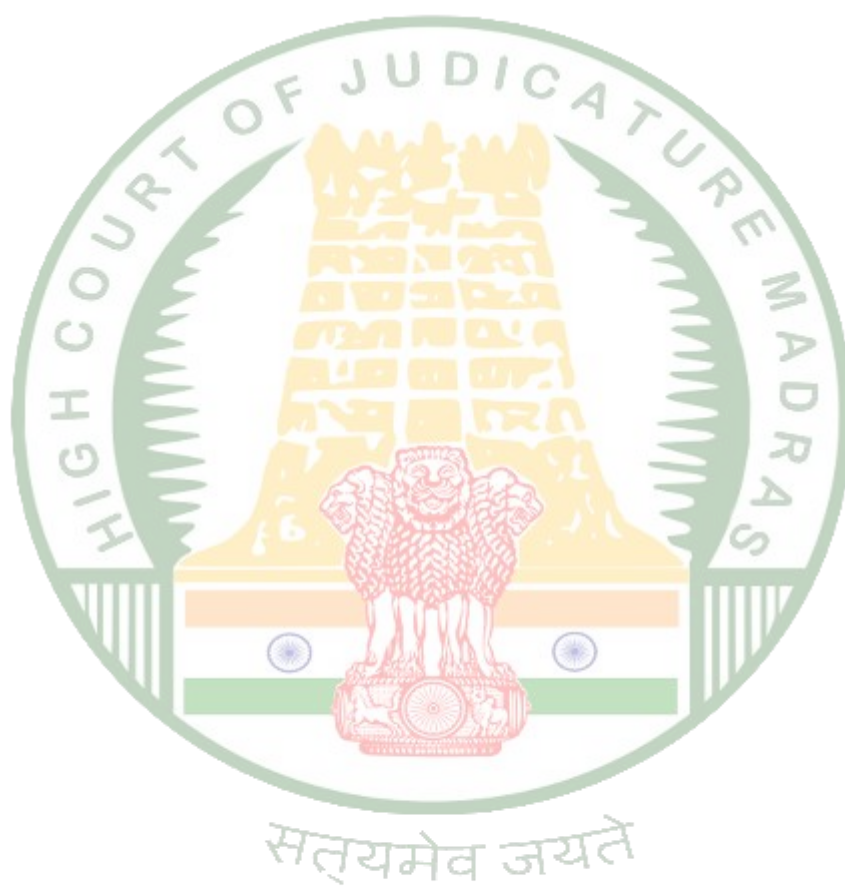
With the above observation, this petition is closed.

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Index:yes/no
bri/arr

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