

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2017

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.2947 of 2016

S.Rajalakshmi .. Petitioner/ Defacto complainant

Vs

1. Arumugam ..1st Respondent/ Accused

2. Station Housing Officer,
Kurinchipadi Police Station,
Kurinchipadi.
(Crime Number 228 of 2013) ...2nd Respondent / Complainant

Criminal Original Petition filed under Section 439(2) of Cr.P.C., to set aside and cancel the bail granted to the accused Arumugam by the learned District cum Sessions Judge, Cuddalore in Crl.M.P.No. 212 of 2016 by an order dated 22.01.2016 and order and arrest and commit the accused to custody till the completion of trial.

For Petitioner : Mr.M.Manivasagam

For R1 : Mr.M.Rajavelu

For R2 : Mr.C.Emalias
(Additional Public Prosecutor)

ORDER

This petition has been filed to set aside and cancel the bail granted to the accused Arumugam by the learned District cum Sessions Judge, Cuddalore in Crl.M.P.No. 212 of 2016 by an order dated 22.01.2016 and order and arrest and commit the accused to custody till the completion of trial.

02. On the complaint given by Rajalakshmi, Kurinchipadi police registered a case in Crime No. 228/2013 for offences under section 417, 506(ii) IPC and Sec.4 of TNPHW Act which was later altered to 417,376 , 506(ii) IPC and Sec. 4 of TNPHW Act and Arumugam was arrested by police and remanded to custody on 10.01.2016. Arumugam filed CMP..No.212/2016 before the Sessions Court, Cuddalore under section 439 Crpc in which Raja lakshmi (Defacto Complainant) filed CMP No.229/2016 for intervening. The learned Sessions Judge, Chennai after hearing accused and the defacto complainant by order dated 22.01.2016 in C.M.P.No.212/2016 enlarged Arumugam on bail.

03. Challenging the order of bail Rajalakshmi is before this Court.

04. Heard, Mr. M. Manivasagam the learned Counsel for Rajalakshmi, Mr.M.Rajavelu for learned counsel for Arumugam and Mr. C.Emalias, the learned Additional Public Prosecutor.

05. The learned Additional Public Prosecutor submitted that investigation in Crime Number 222/2017 was completed as earlier as in the year 2015 and charge sheet was filed in PRC 02 of 2015 before the Judicial Magistrate No.III, Cuddalore. Thereafter the case was committed to the court of Sessions in S.C.No.95/2016 and the case made over to the learned Sessions Judge, Fast Track Mahila Court, Cuddalore.

06. The learned Additional Public Prosecutor submitted that all the prosecution witness including Rajalakshmi has been examined and matter is posted on 18.08.2017 for examination of Investigating Officer.

07. The fact remains that the accused is participating in the trial court till date.

08. Therefore, this Court is of the view that it may not be in the interest of justice to cancel the bail that was granted Arumugam at this distant point of time.

09. Hence this petition is closed. However, if Arumugam absconds, a fresh FIR can be registered under Section 229A IPC and look out circular be issued to ensure that he does not leave the country.

P.N.PRAKASH,J

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To

1.The Sessions Judge,
Fast Track Court,
Cuddalore.

2.The Public Prosecutor, High Court, Madras.



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