

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

CORAM:

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

Crl.O.P.No.6204 of 2016

S.Nandakumar

..Petitioner

Vs.

1.Rafeeqe Raja

2.The State of Tamil Nadu rep by
Inspector of Police
Tiruppur South Police Station
Tiruppur Town,Tiruppur.

..Respondents

Criminal Original Petition filed under Section 439(2) of the Criminal Procedure Code praying to cancel the bail granted to the first respondent in C.M.P.No.422/2016 dated 02.02.2016 by the Judicial Magistrate No.II, Tiruppur.

For Petitioner : Mr.K.Semmalai

For Respondent : Mr. C. Emalias

Additional Public Prosecutor

ORDER

This petition has been filed to cancel the bail granted to the first respondent in C.M.P.No.422 of 2016 on 02.02.2016 by the Judicial Magistrate No.II, Tiruppur.

2. On the complaint lodged by Nandakumar, the respondent police registered a case in Cr.No.64 of 2016 on 22.01.2016 u/s 406, 420 and 506(i) IPC against Rafeeqe Raja and others. Rafeeqe Raja was arrested by the police on 23.01.2016 and he was released on bail by the Judicial Magistrate No.II, Tiruppur in CMP No.422 of 2016 on

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gms

02.02.2016, aggrieved by which Nandakumar, the de facto complainant is before this Court.

3. Heard the learned counsel for the petitioner/de facto complainant and the learned Additional Public Prosecutor appearing for the State.

4. Learned counsel for the petitioner submitted that taking into consideration the serious nature of the allegations in the FIR, the trial Court ought not to have granted bail to Rafeeqe Raja and therefore, the same requires to be cancelled.

5. It is trite that the parameters for grant of bail are different from the parameters for cancellation of bail. The conditions for cancellation of bail are far more severe than those for grant of bail, since bail once granted, cannot be easily cancelled, unless it is shown that the bail order suffers from total perversity.

6. On a reading of the order passed by the trial Court, it is seen that the learned Magistrate has considered the various aspects of the case and has granted bail by a detailed order, which does not warrant interference at this juncture.

In the result, this petition is dismissed as being devoid of merits.

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21.08.2017

gms

To

1.The Inspector of Police
Tiruppur South Police Station
Tiruppur Town,Tiruppur.

2.The Public Prosecutor, Madras High Court.

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