

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.08.2018

Coram:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Criminal Original Petition No.10870 of 2018

Mrs.Vineeta Shukla

.. Petitioner/Defacto Complainant

/versus/

1.The Inspector of Police,
M-7, Manali New Town Police Station,
Chennai 600 103.

2.Amit Tiwari

..Respondents

Criminal Original Petition is filed under Section 439(2) of Criminal Procedure Code praying to cancel the bail granted to the 2nd respondent in C.M.P.No.498 of 2017 on the file of the Judicial Magistrate No.II, Ponneri.

For Petitioner :Mr.IAbdul Basith

For Respondent 1:Mr.M.Mohamed Riyaz
Addl.Public Prosecutor

O R D E R

Criminal Original Petition is filed praying to cancel the bail granted to the 2nd respondent in C.M.P.No.498 of 2017 on the file of the Judicial Magistrate No.II, Ponneri.

2. The learned counsel appearing for the petitioner would submit that earlier the petitioner was granted anticipatory bail to the 2nd respondent in Crl.O.P.No.11830 of 2016 by this Court on 14.06.2016 with conditions. Thereafter, the 2nd respondent did not comply with the conditions imposed by this Court by surrendering and executing surety. Consequently, the 2nd respondent was arrested and remanded to judicial custody and on the same day, the 2nd respondent was granted bail by the trial Court in C.M.P.No.498 of 2017 taking into consideration of the anticipatory bail granted to the 2nd respondent by this Court and the same was suffered from legal infirmity. Hence, he sought for

cancellation of bail granted by the trial Court.

3. The learned Additional Public Prosecutor for the first respondent would submit that the charge sheet was filed before the trial Court and the same was numbered as C.C.No.68 of 2017 and also summon was issued to him. Since the 2nd respondent is not cooperating with the trial, the remedy is available to the petitioner to approach the lower court to file appropriate petition.

4. In view of the above, this Criminal Original Petition is closed with a direction to the petitioner to file an appropriate application before the trial Court and the second respondent is directed to co-operate with the trial for early disposal of the case.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ari

To

1. Judicial Magistrate No.II,
Ponneri.
- 2.The Inspector of Police,
M-7, Manali New Town Police Station,
Chennai 600 103.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.10870 of 2018

GN(04/09/2018)

WEB COPY