

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25313 of 2018

Vikky @ Vignesh

.. Petitioner

Vs

State Rep. by
The Inspector of Police,
Erumpatti Police Station,
Namakkal - 637 001.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to set aside the order dated 28.09.2018 in Crl.M.P.No. 607 of 2018 in S.C.No.13 of 2018, passed by the Learned Sessions (Fast Track Mahila) Judge, Namakkal, cancelling the bail earlier granted.

For Petitioner : Mr.U.Chandramouli

For Respondent : Mrs.M.Prabavathi, APP

O R D E R

The petitioner is an accused in S.C.No.13 of 2018 on the file of Fast Track Court, Mahila Judge, Namakkal for the offences under Section 366(A) IPC. After the charges were framed, PW1 to PW6 were examined by the Court. While so, PW3 in the chief-examination has stated that when he is coming to the Court for giving evidence, the accused threatened him that he will liquidate him, if he will give evidence. Under such circumstances, the prosecution filed Crl.M.P.No.607 of 2018 in S.C.No.13 of 2018 for cancellation of bail under Section 439(2) Cr.P.C. The trial Court ordered notice to the petitioner/accused and after giving sufficient opportunity, by the impugned order dated 28.09.2018, has cancelled the bail, challenging which, the accused is before this Court.

2.Heard Mr.U.Chandramouli, the learned counsel for the petitioner/ accused and the learned Additional Public Prosecutor.

3.The learned counsel for the accused submitted that there is no proof that the accused had threatened the complainant and that, merely on the ipse dixit of PW-3, the bail order has been cancelled.

4.Per contra, the learned Additional Public Prosecutor refuted the contentions.

5.This Court gave its anxious consideration to the rival submissions. It is seen that the accused is facing a prosecution before the Mahila Court for a grave offence under Section 366(A) IPC for having kidnapped the minor girl. After his arrest, he was released on bail. During trial, PW3 has deposed before the trial Court that he is scared to give evidence, because of the threat posed by the accused. The trial Court record further shows that the accused had absconded and NBW was issued against him on 07.04.2018. Thereafter, he surrendered on 20.04.2018 and the NBW was recalled. The trial Court had the opportunity to see the demeanour of the witnesses, especially of that of PW3. In such view of the matter, this court does not find any infirmity in the order passed by the trial Court warranting interference.

Hence, this petition is dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dua/gya

To

1.Fast Track Court,
Mahila Judge, Namakkal.

2.The Inspector of Police,
Erumapatti Police Station,
Namakkal - 637 001.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Bruce Milton, Advocate, S.R.No.75162

CRL.OP.No.25313 of 2018

PP(CO)

rrs 13/11/2018