



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fifteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Dr.Justice S.VIMALA
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.1198 of 2018
IN
CRL A (MD) No.151 of 2016

THE DEPUTY SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.338/2012

... PETITIONER/RESPONDENT/
COMPLAINANT

Vs

1 SELVAGURU
2 ANAND

... PETITIONERS/RESPONDENTS/
ACCUSED Nos.1&2

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to accept the affidavit and cancel the bail granted in Crl.M.P(MD). No. 3968/2016 in Crl.A.151/2016 dated 02.11.2016

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.CHANDRASEKARAN, Additional Public Prosecutor for the petitioner, and of M/S.M.JAGADEESH PANDIAN, Advocate for R1 & R2, the court made the following order:-

(Order of the Court was made by **S.VIMALA, J**)

This is an application to cancel the bail granted by this Court, to accused Nos.1 and 2, in Crl.M.P.(MD)No.3968 of 2016 in Crl.A.(MD)No.151 of 2016, on 02.11.2016.

2.This application has been filed on the ground that while the petitioners herein viz., the accused Nos.1 and 2 were on bail, they got themselves involved in another case and therefore, the bail must be cancelled. The case has been registered against accused Nos.1 and 2 in Crime No.04 of 2018 under Sections 294(b), 323, 506 (ii) and 307 of IPC and only based on this case, the prosecution seeks cancellation of bail.



3.This application is opposed by the learned counsel for the accused Nos.1 and 2 on the ground that even though the case has been registered under Section 307 of IPC as against the accused Nos.1 and 2, nobody has sustained any injury and nobody has been sent to hospital and therefore, there is no scope for cancellation of bail. It is also pointed out that even in the previous case, in which, the accused Nos.1 and 2 were granted bail, there had been a compromise between the parties and the defacto complainant filed an affidavit before the Court of Sessions saying that she is not in any way affected on account of the conduct of the accused persons therein.

4.Under the said circumstances, neither the original offence nor the subsequent offence seems to have any serious implication and hence, the prosecution cannot ask for cancellation of bail. Accordingly, the application for cancellation of bail is dismissed.

sd/-
15/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.2, VIRUDHUNAGAR
 - 2 DO THROUGH, THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE PRINCIPAL SESSIONS JUDGE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 4 THE DEPUTY SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION, VIRUDHUNAGAR.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.M.JAGADEESH PANDIAN, Advocate SR.No.4211

ORDER
IN
CRL MP(MD) No.1198 of 2018
IN
CRL A(MD) No.151 of 2016
Date :15/03/2018