



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

Thursday, the Fifth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.1640 of 2018

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S. SYEDSAMSUGANI

... PETITIONER / DEFACTO COMPLAINANT

Vs

1 SYED IBRAHIM @ ASAN

2 SATHAMHUSSAIN

... RESPONDENTS / ACCUSED NO.1 & 2

3 THE STATE REP.BY,
THE INSPECTOR OF POLICE
ABIRAMAM POLICE STATION (L&O),
RAMANATHAPURAM.

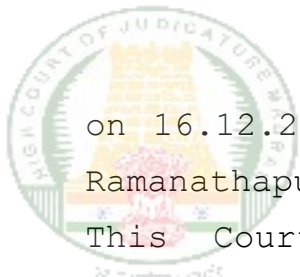
IN CRIME NO.248/2017

... RESPONDENT / COMPLAINANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to cancel the Bail order passed by the Honourable Principal Sessions and District & Sessions Judge, Ramanathapuram Cr.MP.No. 137/2018 in Crime No. 248/2017 dated 24.01.2018 on the file of the 3rd respondent police station dated 14.12.2017

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.M.PRISCILLA JANCY, Advocate for the petitioner and of MR.PRABHU RAMACHANDRAN, Government Advocate (Crl.side) for R3 and MR.K.PRAKASH, Advocate for R1 & R2, the court made the following order:-

The respondents 1 and 2 herein are accused in Crime No.248 of 2017 on the file of Abiramam Police Station, Ramanathapuram District. It is a case of murder. The said accused were arrested



on 16.12.2017. The learned Principal District and Sessions Judge, Ramanathapuram granted bail on 24.01.2018 with certain conditions. This Court thereafter relaxed the conditions imposed on the respondents 1 and 2.

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2.Now, the defacto complainant has filed this Criminal Original Petition seeking cancellation of bail granted in favour of the respondent 1 and 2. A regular bail granted in favour of the accused cannot be casually cancelled. In this case, the defacto complainant would allege that the bail conditions have been violated. If that be so, the remedy open to him is to move the concerned court which granted the bail. Therefore, the present petition under Section 439 of Cr.PC is clearly not maintainable. Therefore, it stands dismissed.

sd/-

05/04/2018

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM.
- 2 THE SUB INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION, DINDIGUL.
- 3 THE INSPECTOR OF POLICE
ABIRAMAM POLICE STATION (L&O), MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.K.M.PRISCILLA JANCY Advocate SR.No.5521
+1 cc to MR.A.UTHAYA KUMAR, Advocate SR.No.5560

ORDER

IN

CRL OP(MD) No.1640 of 2018

Date :05/04/2018