



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

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WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.R.C(MD) No.67 of 2018

Krishnaveni

... Petitioner/ Respondent/
Sole Accused**-Vs-**The State represented by
The Inspector of Police,
Railway Police Station,
Madurai, Madurai District.
(Cr.No.277 of 2017)... Respondent/ Respondent/
Complainant

Prayer: Criminal Revision petition filed under Section 397 r/w 401 Code of Criminal Procedure, to call for the entire records pertaining to the order passed by learned Judicial Magistrate No.VI, Madurai, Madurai District in Crl.M.P.No.193 of 2018 vide its order dated 23.01.2018 and set aside the same and consequently restore the bail in connection with the case in Cr.No.277 of 2017 on the file of the respondent police.

For Petitioner	: Mr.M.Pitchaimuthu
For Respondent	: Mr.Prabu Ramachandran Government Advocate(Crl.side)

O R D E R

This petition has been filed by the accused to set aside the order passed by the learned Judicial Magistrate No.6, Madurai, in Crl.M.P.No.193 of 2018, dated 23.01.2018 and consequently, restore the bail in connection with the case in Cr.No.277 of 2017 on the file of the respondent.

2.The petitioner herein has been arrested by the respondent in Cr.No.277 of 2017, under Section 379 IPC and produced before the Judicial Magistrate No.6, Madurai and she was remanded to Judicial custody on 28.11.2017. Thereafter, she was released on bail as per the order passed in Crl.M.P.No.3749 of 2017, dated 22.12.2017 by imposing certain conditions. One such condition is that the petitioner should appear and sign before the respondent police daily at 10.30 am., until further orders. The petitioner has complied with the said condition till 14.01.2018 and thereafter she did not comply with the said condition and hence, the respondent has filed a petition under Section 437 (5) Cr.P.C to cancel the bail. The



learned Judicial Magistrate by the order, dated 23.01.2018 cancelled the bail.

3.The learned counsel for the petitioner has submitted that without giving opportunity to the petitioner the learned Judicial Magistrate has cancelled the bail and the said order has been passed against the principles of natural justice and hence, he requests to set aside the said order.

4.The learned Government Advocate (Crl.side) has submitted that since the petitioner has not complied with the condition, the learned Judicial Magistrate has rightly cancelled the bail.

5.The learned Judicial Magistrate should have given an opportunity to the petitioner before cancelling the bail. Merely, because the petitioner has not complied with the condition the Magistrate should not have cancelled the bail. Hence, the impugned order is set aside and the learned Judicial Magistrate No.6 is directed to restore Crl.M.P.No.193 of 2018 on file and dispose of the same after giving an opportunity to the petitioner to put forth her objection.

6.With the aforesaid direction, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.IV, Madurai.
2. The Inspector of Police,
Railway Police Station,
Madurai, Madurai District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

Copy To :-

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

RMK

TE/SKN-RSK/SAR-1 : 23/02/2018 : 2P/6C