



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Thirtieth day of January Two Thousand and Eighteen

PRESENT

**The Hon`ble Mr.Justice A.M.BASHEER AHAMED**

WEB COPY

CRL MP (MD) No.2896 of 2017

IN

CRL OP (MD) No.3574 of 2017

L.RAGU RAMAN

... PETITIONER/VICTIM

Vs

1.P.MADASAMY

...RESPONDENT/ACCUSED NO.3

2.STATE THROUGH

THE INSPECTOR OF POLICE,  
SOUTH POLICE STATION,  
TUTICORIN,  
(IN CRIME NO.1193/2016)

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed under section 439(2) r/w 482 of Criminal Procedure code praying that in circumstances stated therein and in the affidavit filed therewith, the High Court will be pleaded to cancel the bail granted to the 1<sup>st</sup> Respondent/accused No.3 on Crl.O.P(MD).No.3574/2017 dated 27.03.2017.

Prayer in CRL OP(MD). 3574/ 2017 :

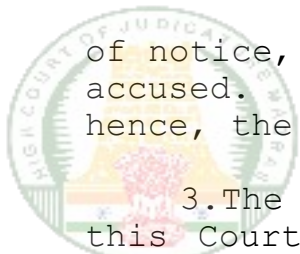
Criminal Original Petition filed under section 439 of Criminal Procedure code, to release the petitioner/Accused on Bail in PRC.No.7/2017 on the file of the Judicial Magistrate No.1, Thoothukudi South Police Station, Thoothukudi.

ORDER : This petition coming on for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments Mr.L.Shaji Chellan, advocate for the Petitioner, and of Mr.A.P.G.Ohm Chairma Prabhu, Government Advocate (Crl side) on behalf of the Second Respondent and the first respondent not appearing in person or by an advocate, this Court made the following order:-

The learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the 2nd respondent are present.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The learned counsel for the petitioner filed proof of service



of notice, which was served through Police to the first respondent / accused. There is no representation for the first respondent and hence, the first respondent is called absent.

3.The learned counsel for the petitioner herein submitted that this Court while granting bail to the first respondent herein on 27.03.2017 in Crl.O.P.(MD)No.3574 of 2017 imposed certain conditions, directing him to appear before the respondent Police daily at 10.30 a.m.until further orders. However, the first respondent has not complied with the said condition as directed by this Court.

4.The learned Government Advocate (Crl.side) submitted that the first respondent did not appear before the respondent Police even for a single day. He also submitted that the first respondent has filed a petition in M.P.(MD)No.5318 of 2017 for modification of the conditions imposed by this Court in Crl.O.P.(MD)No.3574 of 2017, however, the same was dismissed by this Court in its order dated 17.01.2018. He further submitted that absconding charge sheet has also been filed before the learned Judicial Magistrate No.I, Tuticorin and the same is pending in P.R.C.No.7 of 2017.

5.Considering the facts and circumstance of the case and considering the conduct of the first respondent, in not complying with the conditions, without any reason, this Court is inclined to cancel the bail granted on 27.03.2017.

6.Accordingly, the bail granted in Crl.O.P.(MD)No.3574 of 2017 on 27.03.2017 is hereby cancelled. This petition is ordered accordingly. As the case in P.R.C.No.7 of 2017 is pending in committal stage, the second respondent Police is directed to secure the first respondent / accused forthwith.

sd/-

Assistant Registrar(AS)

/ TRUE COPY /

Sub-Assistant Registrar

TO

1. The Judicial Magistrate No.1,  
Thoothukudi.
2. Do- Through the Chief Judicial Magistrate,  
Thoothukudi.
3. The Inspector of Police,  
Thoothukudi South Police Station,  
Thoothukudi.



WEB COPY

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER DATED :30/01/2018

**ORDER**

CRL MP(MD) No.2896 of 2017  
IN

CRL OP(MD) No.3574 of 2017

Giving directions etc.,  
as stated within.

AE/SV MMS/SAR4/06.02.2018/3P/5C