



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2018

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrl.O.P.(MD)No.14169 of 2017

Umayal Ramanthan,
Secretary,
Dr.Alagappa Chettiar Educational Trust,
Alagappapuram,
Karaikudi.

...Petitioner/Defacto Complainant

-Vs-

1.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
(Crime No.8/2017)

..1st Respondent/Complainant

2.A.Palaniappan

..2nd Respondent/Accused No.2

PRAYER: Criminal Original petition - filed under Section 439 (2) of Code of Criminal Procedure, to cancel the bail granted in Cr.M.P.No.1861 of 2017 dated 22.09.2017 by the learned Principal and District Sessions Judge, Sivagangai.

For Petitioner :Mr.B.Vijay

For 1st Respondent :Mr.A.Robinson,
Government Advocate (Crl.Side)For 2nd Respondent : Mr.A.L.Ganthimathi,
Senior Counsel for
Mr.A.K.Manickam**ORDER**

The petitioner is the defacto complainant Crl.M.P.No.1861 of 2017 registered on the file of the learned Principal and District Sessions Judge, Sivagangai District. The second respondent herein is shown as the second accused in the said case. The case was registered for the offence 420, 406, 408, 467, 468, 471, 120(B), 506 (i) and 511 IPC. The second respondent was arrested on 07.09.2017 and granted with regular bail by the learned Sessions Judge, Sivagangai on 22.09.2017. The order granting bail to the second respondent is assailed in this petition.



2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (CrI.Side) appearing for the first respondent and the learned senior counsel appearing for the second respondent.

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3. Granting bail is one thing and cancelling it, is different matter altogether. The petitioner as defacto complainant ought to show that the accused has misused his liberty. Of course if the order granting bail has been misused, it can be set aside. Without these elements, this Court is not in a position to appreciate the contention now advanced at length by the learned counsel for the petitioner herein. This Court has also noticed the fact that the first accused is none other than the mother of the second accused. The second respondent herein was granted relief by this Court and while so granting, she was put on terms. The Sessions Court had granted bail as early as on 22.09.2017. Now, we are in second week of July 2018. Almost a year has gone by. Hence, this Court is of the clear view that sending the second respondent back to prison will serve no purpose whatsoever.

4. In this view of the matter this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. Principal and District Sessions Judge,
Sivagangai.

2. The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.

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

+1CC Mr.B.Vijay Advocate in SR.No.71348.

TA

DS/RP/SAR-4 :27.07.2018: 2P/5C

CrI.O.P. (MD) No.14169 of 2017
05.07.2018