



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P (MD) No.17595 of 2017

S.Kuthalingam ... Petitioner/De-facto complainant
Vs.

1. Mathavan ... 1st Respondent / Sole Accused

2. The Inspector of Police,
Pavoorchathram Police Station,
Tirunelveli District.

(In Crime No.434 of 2017) ... 2nd Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 (2) of the Code of Criminal Procedure, praying to cancel the bail of the first respondent/sole accused in CrI.M.P.No.7675 of 2017 on the file of the learned Judicial Magistrate, Tenkasi, dated 09.10.2017, in connection with Crime No.434/2017 on the file of the second respondent police.

For Petitioner : Mr.J.Jeyakumaran

For R-2 : Mr.A.Robinson

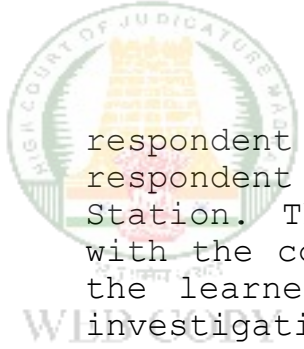
Government Advocate (Criminal Side)

O R D E R

Heard both sides.

2.This petition has been filed by the petitioner/defacto complainant, to cancel the bail of the first respondent/sole accused in CrI.M.P.No.7675 of 2017 on the file of the learned Judicial Magistrate, Tenkasi, dated 09.10.2017.

3.Upon considering the arguments advanced by either side, the petitioner herein is the defacto complainant registered a complaint in Crime No.434 of 2017 on the file of Pavoorchatram Police Station, Tirunelveli District. The first respondent is being a sole accused in that case. Previously, the learned Judicial Magistrate, Tenkasi on 09.10.2017 granted bail to the first



respondent with a condition that he should appear before the respondent police situated at Kanchipuram District/B2 Police Station. The first respondent/Sole Accused has regularly complied with the condition. As of now, according to the submission made by the learned Government Advocate (Criminal Side) that part of the investigation is completed. The property which was stolen by the first respondent/sole accused was recovered. Eventhough the first respondent is having three previous cases, there is no allegation with regard to the tampering of witness or hampering the evidence and even after complying with the condition without any specific allegation, requiring the order of cancelling the bail is not justifiable.

4.Hence, for the reasons stated above, this Court is not inclined to cancel the earlier order of bail, already granted by the learned Judicial Magistrate, Tenkasi. Accordingly, this petition stands dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,Tenkasi.
2. The Inspector of Police,
Pavoorchathram Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ls/smn2

MV:KK:SAR1:26/02/2018/2P/4C

CRL.O.P(MD)No.17595 of 2017

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