



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.15603 of 2016

M.Arumugam ... Petitioner/Defacto Complainant
Vs.
1. The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No.14/2016) ...1st Respondent/Respondent/Complainant
2.Murasoli
3.Thennarasu ... 2nd & 3rd Respondents/Accused 1 & 2
Accused 1 & 2

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the order dated 10.08.2016 made in Cr.M.P.No.3035 of 2016 on the file of Judicial Magistrate No.II, Sivagangai and cancel the bail granted to the Respondents Nos.2 and 3/Accused Nos.1 & 2.

For Petitioner : Mr.R.Gandhi
For Respondent : Mr.A.Robinson
Government Advocate (Cr1. Side)
for R1

ORDER

The petitioner has come forward with this petition seeking to cancel the bail already granted to the respondent Nos.2 and 3/accused Nos.1 & 2 by the Judicial Magistrate No.II, Sivagangai vide order dated 10.08.2016 in Cr.M.P.No.3035 of 2016.

2.The petitioner had transaction with the accused in Crime No.14 of 2016 registered on the file of District Crime Branch, Sivagangai. A sum of Rs.13,00,000/- was given by the petitioner to Murasoli through Thennarasu. The accused herein was arrested and granted bail by learned Judicial Magistrate No.II, Sivagangai in Cr.M.P.No.3035 of 2016 on 10.08.2016. One of the condition stipulated in the bail order was that the accused should not indulged in offences of similar in nature. The counsel for the defacto complainant now stated that FIR in Crime No.568 of 2016 has been registered against Murasoli on the file of Sankarankoil Town police Station, Tirunelveli District for similar offence. It



is also seen that the said Murasoli is an accused in Crime No.221 of 2015 on the file of Aravayal Police Station, Sivagangai District for job rocketing.

3. Taking into account the fact that the second respondent herein had misused the liberty given by the court below, this Court is of the view that the order of granting bail to him deserves to be cancelled. The third respondent Thennarasu does not appear to have indulged in any offence similar in nature. Therefore, while dismissing this petition as regards third respondent herein, this petition is allowed as regards the second petitioner.

4. Accordingly, this petition stands partly allowed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-3)

To

1. The Judicial Magistrate No. II, Sivagangai.

2. The Inspector of Police,
District Crime Branch,
Sivagangai District.

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

+1 CC to Mr. R. GANDHI, Advocate in SR.No.12583

TM
RJ/PN/SAR-3/25/07/2018 - 2P/5C

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