



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.(MD)No.546 of 2018
and M.P.(MD)No.7718 of 2018

Selvaraj

:Petitioner/Respondent/
Accused No.2

Vs.

1.The State rep by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No.29 of 2017)

:1st Respondent/Respondent/
Complainant

2.Santhanamala

:2nd Petitioner/Petitioner/
Defacto Complainant

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 18.06.2018 in Crl.M.P.No.3215 of 2018 passed by the learned Judicial Magistrate, Uthamapalayam, Theni District and allow the Criminal Revision Petition.

For Petitioners
For R1

: Mr.B.Jameel Arasu
: Mr.A.Robinson, G.A.(Crl.side)

ORDER

This Criminal Revision is directed against the order passed by the learned Judicial Magistrate, Uthamapalayam, while acted upon the petition filed by the defacto complainant to cancel the bail for the revision petitioner herein, who earlier obtained anticipatory bail from this Court for the alleged offence under Sections 498 (A) & 406 IPC.

2.Perusal of the records indicate that this petitioner and two others were implicated in the complaint lodged by the defacto complainant for the offence under Sections 406 & 498(A) in Crime No.29 of 2017. Being matrimonial offence and the complainant being the wife of the second accused, this Court has granted anticipatory bail for the second accused/father-in-law, who is the revision petitioner herein, on imposing certain specific conditions stating that the petitioner shall not commit any offence while on bail and also specifically recorded that if any of the bail condition is



violated, the learned Judicial Magistrate is entitled to take appropriate action against the petitioner, in accordance with law.

3. Subsequently, the daughter-in-law of the revision petitioner has filed another complaint against the petitioner and his son on 28.02.2018 alleging that she was restrained by the petitioner and his son at 10.30 am, while she and her father was walking near Vijayalaxmi hospital and assaulted her with hands and also abused her in filthy language. It is also alleged in the complaint that the revision petitioner and his son threatened with dire consequences. After registration of the complaint in crime no.96 of 2018 by the Kambam South Police Station, Theni District, this fact has been brought to the notice of the learned Judicial Magistrate by the defacto complainant, which has warranted the cancellation of bail for breach of bail condition.

4. The impugned order passed by the learned Judicial Magistrate reveals that after the petition filed for cancellation of bail, the revision petitioner herein was put to notice, however, he did not turn up. Despite receipt of notice for appearance, the matter was adjourned on several occasions between 15.05.2018 to 25.05.2018. Therefore, considering the materials placed before the Court below, the Magistrate has cancelled the bail for breach of bail condition imposed in CrI.O.P.No.(MD)Nos.13735 of 2017 & 13737 of 2017, dated 11.10.2017.

5. This Court finds that there is no iota of illegality or irregularity in the order passed by the learned Judicial Magistrate, Uthamapalayam, which warrants interference under revision jurisdiction of this Court.

6. It is reported by the learned counsel appearing for the revision petitioner that the husband of the defacto complainant, pursuant to the order passed by the trial Court cancelling the bail, was secured and later released on bail, whereas the revision petitioner (father-in-law) is still at large.

7. In the said circumstances, it is suffice to record that if the petitioner herein is either secured by the Police pursuant to the cancellation of bail or he himself surrender before the Magistrate and seek for bail, the said bail petition can be considered, in accordance with law, at the earliest.

8. Accordingly, this Criminal Revision case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



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To

- 1.The Judicial Magistrate,
Uthamapalayam.
Theni District.
- 2.The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Jameel Arasu, Advocate in SR No.89996

Cr1.R.C. (MD) No.546 of 2018

NM/SV/SAR I/27.10.18/2P/5C.