

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP No.7874 of 2019

Mrs.S.Roja

..Petitioner / Defacto complainant

-Vs-

1. The State

Rep. by The Inspector of Police,
F-3, Nungambakkam Police Station,
Nungambakkam.

Chennai 600 034

... Respondent/Complainant

2. Yogeshwaran

..Respondent / Accused No.1

Prayer: Criminal Original petitions have been filed under Section 439(2) of Cr.PC to pass an order to cancel the bail granted to the 2nd respondent by the learned Principal Sessions Judge, Chennai in Crl MP No.3353 of 2019 in Crime No.145 of 2019 on the file of 1st respondent police.

For Petitioner : Mr.S.Kumara Devan

For Respondent : Mrs.M.Prabhavathi

Additional Public Prosecutor

ORDER

This petition has been filed seeking for cancellation of bail granted in favour of 2nd respondent (A1).

2. The main ground that has been raised by the learned counsel appearing for the petitioner is that the Court below was informed by the police as if the injured was discharged from the Hospital on 18.02.2019. However, the injured was discharged on 26.02.2019 and therefore, the bail was granted on the basis of a wrong information given to the Court below.

3. It is seen from records that this Court has also granted bail to A2 after taking into consideration the entire facts and circumstances of the case in CrI OP No.4493 of 2019. The fact remains that the injured was discharged from the hospital and therefore, it will not be appropriate to interfere with the bail granted by the Court below in favour of 2nd respondent. The Court below has taken into consideration the incarceration that was already suffered by the 2nd respondent and also the merits of the case. This Court does not find any supervening circumstances to cancel the bail granted in favour of the 2nd respondent.

4. In the result, this Criminal Original Petition is dismissed.
rka

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Chennai.

2.The Inspector of Police,
F-3, Nungambakkam Police Station,
Nungambakkam, Chennai - 600 034.

+1cc to Mr.S.Kumaradevan, Advocate, SR.No.32133

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Kak (24/05/2019)

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