



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.(MD)No.1009 of 2019

Thainesmary .. Petitioner/Defacto complainant

Vs.

1.The Inspector of Police,
District Crime Branch Police Station,
Sivagangai,
in Crime No.24 of 2018 .. 1st Respondent/Complainant

2.Muneeswaran .. 2nd Respondent/Petitioner

PRAYER: Criminal Original Petition is filed under Section 439(2) of the Code of Criminal Procedure, to cancel the bail for the 2nd respondent granted in Cr.M.P.No.6234 of 2018, on 31.12.2018 on the file of the learned Judicial Magistrate Court No.II, Sivagangai.

For Petitioner : Mr.G.Kasinathadurai

For Respondents : Mr.K.Suyambulinga Bharathi for R1
Government Advocate (Cr1. Side)
Mr.C.Sureshkannan for R2

ORDER

This petition has been filed by the petitioner seeking to cancel the bail for the 2nd respondent granted in Cr.M.P.No.6234 of 2018, on 31.12.2018 on the file of the learned Judicial Magistrate Court No.II, Sivagangai.

2.Today, when the matter is taken up for hearing, the learned Government Advocate (Cr1. Side) would submit that already the defacto complainant moved an application for cancellation of bail before the learned Judicial Magistrate No.II, Sivagangai in Cr.M.P.No.6321 of 2018 and the same was dismissed on 28.01.2019. But without challenging the same, the defacto complainant come forward before this Court with the present application.

3.In view of the submission made by the learned Government Advocate (Cr1. Side), this Court is of the opinion that if an application for cancellation of bail before the Court below was dismissed, the petitioner has to challenge the dismissal order. Being so, the petitioner has come forward with another application for cancellation of bail before this Court. Therefore, this Court is not inclined to entertain this petition.



4. Accordingly, this criminal original petition is dismissed with liberty to the petitioner to workout his remedy in the manner known to law.

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Sd/-

Assistant Registrar (Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II, Sivagangai.

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

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

+1. C.C. to M/S.C.Sureshkannan, Advocate SR.No. 48033

Crl.O.P.(MD)No.1009 of 2019
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JM/02.04.2019/2P/5C