



WEB COPY

CRL MP (MD) . No.4649 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP (MD) . No.4649 of 2019

in

CRL OP (MD) . No.6262 of 2019

Ramya

... Petitioner/Defacto Complainant

Vs

1.State through,
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.110 of 2019).

... 1st Respondent/Complainant

2. Alaguraja

... 2nd Respondent/Petitioner

For Petitioner : M/s. T. Vadivelan,
Advocate.

For Respondent : A.Robinson,
Government Advocate (Crl.Side)

PETITION FOR CANCELLATION OF BAIL Under Sec.439 (2) of Cr.P.C.

PRAYER :-

To cancel the Bail order passed by this Honourable Court in
Crl.O.P (MD) .No.6262/2019 dated 29/04/2019.

ORDER : The Court Made the following order :-

The defacto complainant in Crime No.110 of 2019, on the file of
the Kottampatti Police Station is the petitioner in this criminal
miscellaneous petition.

2.The case was registered for the offences under Sections 376,
323 and 506(i) of I.P.C. The accused/Alaguraja filed Crl.O.P.(MD)
No.6262 of 2019, seeking bail. The same was allowed on 29.04.2019,
after recording the undertaking of the accused that he would marry
the petitioner herein/victim. But then, without adhering to the
undertaking given before this Court, the accused is said to have



gone abroad. Therefore, seeking cancellation of the bail granted in favour of the accused, this miscellaneous petition has been taken out.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the accused submitted that the accused had taken back the papers. It is seen that the petitioner had sent notice to the accused but the same was returned with an endorsement "return to the sender". When a solemn undertaking was given before this Court and the same has not been complied with, the consequences will have to necessarily follow. The accused had filed an affidavit before this Court. In the said affidavit, the following undertaking was given:-

"I submit that in this connection on 25.03.2019, I was arrested and remanded to judicial custody. During incarceration in jail, I realized my mistakes and thereby decided to marry the complainant. I will marry the complainant within two months from the date if I am released on bail. Hence I hereby undertake to marry the complainant. I humbly pray this Hon'ble Court to accept this affidavit and grant relief as prayed for in the above petition;"

4. Bail was granted subject to the condition that the undertaking given before this will be complied with. In fact a self working clause is incorporated in the bail order itself. It states that in the event of failure on part of the accused to comply with the undertaking, the bail granted shall stand vacated automatically. The petitioner/victim has stated before this Court that the accused had not married her as per the undertaking given before this Court. Hence, I have no hesitation to cancel the bail already granted by this Court on 29.04.2019 in Crl.O.P.(MD)No.6262 of 2019. The criminal miscellaneous petition stands allowed. The first respondent is directed to take all the consequential steps.

sd/-
04/09/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, MELUR



2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S. T. VADIVELAN Advocate SR.No.14745

ORDER
IN
CRL MP (MD) No.4649 of 2019
IN
CRL OP (MD) No.6262 of 2019
Date :04/09/2019

IAS
PK/VR/SAR-2/10.09.2019 : 3P/6C