



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Original Jurisdiction)

Friday, the Twenty Eighth day of February Two Thousand and Twenty

PRESENT

WEB COPY

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

CRL OP (MD) . No.3695 of 2020

R.Mohanraj ...Petitioner/Defacto complainant

Vs

1 The Inspector of Police, District Crime Branch,
Theni District. (Crime No.15 of 2019)
...Respondent/Complainant

2 P.Arun Babu ...Respondent/Sole Accused

Prayer :-

Criminal Original Petition is filed under section 482 of Criminal Procedure Code, praying this Hon'ble Court to cancel the Bail granted to the 2nd Respondent/Sole Accused in Crl.MP(MD)No.7241 of 2019 dated 13.12.2019 by the learned Judicial Magistrate, Theni.

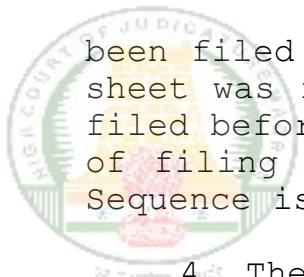
ORDER:-

Criminal Original Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.L.Maithily, Advocate for the Petitioner and of Mr. A.Robinson, Government Advocate (Criminal Side) On Behalf of the Respondent, this Court made the following order:

This criminal original petition has been filed for cancelling the statutory bail granted by the Judicial Magistrate, Theni, in Crl.M.P.No.7241 of 2019 dated 13.02.2019.

2. The second respondent is the accused. The second respondent had filed a bail petition before this Court in Crl.O.P.(MD)No.15372 of 2019. But the same was dismissed by this Court on 31.10.2019.

3. The grievance of the defacto complainant is that the accused had surrendered before the Court below only on 13.09.2019. The charge sheet in this case was filed on 11.12.2019. Thiru.Sakthivel, Special Sub Inspector of Police categorically states that final report was filed through the Inspector of Police, District Crime Branch, Theni District. That means on the 89th day itself, the final report has been filed. The impugned order granting bail was passed only on 13.12.2019. The impugned order reads that the petition has



been filed on the 91st day from the date of surrender and the charge sheet was filed only on the 91st day. If the charge sheet had been filed before the filing of the statutory bail petition, the question of filing a petition under Section 167 of Cr.P.C. does not arise. Sequence is not quite clear.

4. The Registrar(Judicial) is directed to call for a report in this regard from the concerned Magistrate.

5. Notice to the second respondent returnable by 13.03.2020.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The Judicial Magistrate, Theni.
- 2 The Chief Judicial Magistrate, Theni
- 3 The Inspector of Police, District Crime Branch,
Theni District.

Copy to:

- 1 The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai
- 2 The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai
(To List the matter on 13.03.2020)

ORDER DATED : 28/02/2020

HEARING DATE : 13/03/2020

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Order
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Giving direction and etc.
as stated within.

NS (CO)

TR(10.03.2020) 2P 6C