



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 29/07/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) . No.3709 of 2020

in

CRL OP(MD) . No.6289 of 2020

M.K.Selvendran

... Petitioner/Defacto
Complainant

Vs.

1.Prathap

... 1st Respondent/Petitioner/
6th Accused

2.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Crime No.147 of 2020).

... 2nd Respondent/1st Respondent
Complainant

For Petitioner : Mr.Ramasundarvijayaraj, Advocate.

For R2 : Mr.K.Suyambulinga Bharathi,,
Government Advocate (Crl.Side)

For R1 : Mr.D.Selvaraj, Advocate

Petition filed for cancellation of bail under Section 439(2) and 482 of Cr.P.C.

PRAYER :-

To cancel the bail granted to the first respondent/6th accused on 17.06.2020 in Crl.O.P.(MD)No.6289 of 2020.

ORDER : The Court Made the following order :-

The petitioner is the defacto complainant and the first
<https://hcservices.ecourts.gov.in/hcservices/>



respondent is the 6th accused in this case. The case has been registered for the offence under Sections 147, 148, 149, 302, 120(b) and 109 of I.P.C. Earlier this Court by an order dated 17.06.2020, had granted bail to the first respondent with a condition that the petitioner shall report before the respondent police daily at 10.00.am and The relevant portion of the order reads as follows:

"7.Considering the facts and circumstances of this case and also considering the fact that though the earlier bail petition filed by the petitioner was dismissed by this Court on the ground that investigation has not yet completed, now, according to the prosecution, investigation has been completed in respect of the petitioner and the petitioner is in judicial custody for more than 90 days, I am inclined to enlarge the petitioner on bail with certain conditions."

2.Now the petition has been filed to cancel the bail granted to the first respondent mainly on the ground that the first respondent was arrested on 25.03.2020 and this Court granted bail to the first respondent/accused on 17.06.2020 and 90 days period has not completed, by misrepresentation, the first respondent has obtained a bail.

3. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and also perused the material placed on records.

4.On perusal of the records, it could be seen that the bail petition was not filed under Section 167(2) Cr.P.C, on the ground that the petitioner is in judicial custody for more than 90 days, only a regular bail application was filed. While considering the bail application, the learned Judge has taken into consideration the fact that the investigation was completed and also the fact that the petitioner is in judicial custody for more than 90 dyas and hence, granted bail and the bail was not gratned by misrepresentatin, as alleged by the petitioner. Hence, I find no reason to cancel the bail granted vide order dated 17.06.2020 in Crl.O.P.(MD)No.6289 of 2020, accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
29/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) No.3709 of 2020
IN
CRL OP (MD) No.6289 of 2020
Date :29/07/2020

DAS
TE/JC/SAR-III : 06/08/2020 : 3P/6C