



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.10.2020
CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.10509 of 2020

Mutheeswari

... Petitioner/Complainant

Vs.

1. State through
The Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Theni District.

2. The Inspector of Police,
Thevaram Police Station,
Theni District.
Crime No.1630 of 2020.

... Respondents 1 & 2/Respondents

3.Thirupathivasagan

... 3rd Respondent/Petitioner

Prayer: Criminal Original Petition filed under section 439 (2) of Criminal Procedure Code, to cancel the order of bail granted to the 3rd respondent in Crl.M.P.No.264 of 2020 by the Special Court for Trial of Cases under SC/ST (POA) Act, Theni on 14.09.2020.

For Petitioner : Mr.T.Lenin Kumar

For R1 & R2 : Mr.KR.Bharathi Kannan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed for cancellation of bail granted to the 3rd respondent/accused herein in Crl.MP.No.264 of 2020 on the file of the Special Court for Trial of Cases under SC/ST(POA) Act, Theni dated 14.09.2020.

2. The learned counsel appearing for the petitioner/defacto complainant would submit that this petition has been filed only on two grounds, which are as follows:-

1) The 3rd respondent/accused did not comply the condition imposed by this Court while granting anticipatory bail.



2) The 3rd respondent/accused threatened the petitioner herein with dire consequence after granting anticipatory bail.

3. Based on the aforesaid grounds, he prayed to cancel the order of bail granted to the 3rd respondent/accused.

4. The learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 would submit that the petitioner was granted bail by an order dated 14.09.2020 in Crl.MP.No.264 of 2020 and imposed the conditions that the petitioner should stay at Madurai and report before the respondent police, Thallakulam Police Station daily at 09.00 a.m. And 05.00 p.m until further orders. As per the order of the Court below, the petitioner is complied with the condition without fail. The investigation is still pending in Crime No.1630 of 2020 on the file of the respondent police.

5. Heard the learned counsel appearing for the petitioner/defacto complainant and the learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2.

6. The 3rd respondent/accused was arrested and remanded to the judicial custody on 05.09.2020 in pursuant to the Crime No.1630 of 2020 registered for the offences under Sections 294 (b), 354 (A), 506 (i) IPC, 3 (1) (r), 3 (1) (u) and 3 (1)(w) (ii) SC/ST (POA) Amendment Act, 2015 on the file of the respondent police. By an order dated 14.09.2020 in Cr.M.P.No.264 of 2020, the Court below granted bail to the 3rd respondent/accused for the following conditions:-

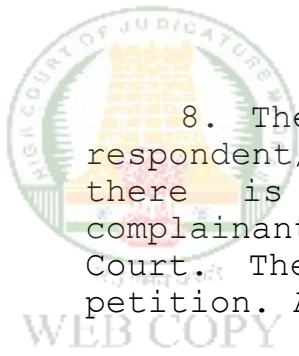
"i) The petitioner shall execute a bond for Rs.50,000/- with two sureties each for a like sum. One among the surety must be the wife or brother or sister of the accused.

ii) The petitioner shall stay at Madurai and sign before the Inspector of Police, Thallakulam Police Station daily at 09.00 a.m and 05.00 p.m until further orders.

ii) The petitioner shall not tamper the witnesses either during investigation or trial.

iv) The petitioner shall not attempt to contact the complainant for any purpose what so ever."

7. It is seen that the 3rd respondent/accused appeared before the Inspector of police, Thallakulam Police Station, Madurai daily at 09.00 a.m and 05.00 p.m and complied with the conditions without fail till today. Hence the 1st ground mentioned by the petitioner/defacto complainant cannot be considered by this Court.



8. The 2nd ground mentioned by the petitioner is that the 3rd respondent/accused threatened her with dire consequences. For which, there is no proof was produced by the petitioner/defacto complainant. Hence, the 2nd ground also cannot be considered by this Court. Therefore, this Court does not find no merits in this petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

dss

To

1. The Special Court for Trial of Cased under SC/ST (POA) Act, Theni.
2. The Deputy Superintendent of Police, Bodinayakanur Sub Division, Theni District.
3. The Inspector of Police, Thevaram Police Station, Theni District.

Copy to: The Inspector of Police,
Thallakulam Police Station,
Madurai.

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

Crl.O.P. (MD)No.10509 of 2020
05.10.2020

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