



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.19419 of 2019

WEB COPY

Sankari

... Petitioner/Defacto Complainant

Vs

1.The Sub Inspector of Police,
Tiruppullani Police Station,
Ramanathapuram District.
Crime No.147/2019.

...1st Respondent/Complainant

2.Ganapandi

...2nd Respondent/Sole Accused

PRAYER: Petition filed under Section 439(2) of Code of Criminal Procedure, to call for the records and cancel the bail order passed by the learned Court of Principal District and Sessions Judge, Ramanathapuram in Cr.M.P.No.4537 of 2019, dated 18.12.2019.

For Petitioner : Mr.A.V.Soma Sundaram

For Respondent : Mr.A.Robinson
Government Advocate (Crl.side)

For Intervenor : Mr.M.Mahendra Prabhu

ORDER

The second respondent herein stands accused of having committed the offence under Section 302 of IPC. He was arrested on 25.10.2019.

2.The learned Principal District and Sessions Judge, Ramanathapuram, granted bail, vide order dated 18.12.2019 in Crl.M.P.No.4537 of 2019. The accused was directed to stay at Salem and appear and sign before the Judicial Magistrate No.1, Salem, daily at 10.30 a.m., until further orders. The said condition was also relaxed on 24.01.2020. The accused has complied with the said conditions also. Except receipt of the viscera report, the investigation is completed in all other respects. In the meanwhile, this criminal original petition has been filed by the defacto complainant challenging the order granting bail.

3.Heard the learned counsel on either side.

4.The learned Sessions Judge had granted bail to the accused after considering the facts and circumstances of the case, overt act attributed to him, period of custody, possibility of completion of investigation. It is seen that a petty quarrel culminated in a murder.



5. The petitioner appears to be aggrieved by the fact that the accused was granted bail within 54 days. The petitioner is under the impression that the accused can be released on bail only, if the final report is not filed within 90 days. In the case on hand, the learned Sessions Judge chose to exercise his discretion in favour of the accused and granted bail, even though he was in custody only for a period of 54 days. The accused has not breached any of the condition imposed on him. He has not threatened the petitioner or tampered the witnesses.

6. Therefore, I am of the view that the impugned order granting bail to the accused does not warrant any interference. I find no ground to set it aside. Hence, this criminal original petition stands dismissed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Sub Inspector of Police,
Tiruppullani Police Station,
Ramanathapuram District.

2. The Principal District and Sessions Judge,
Ramanathapuram.

3. The additional public prosecutor
Madurai Bench of Madras High court,
Madurai.

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