

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.3768 of 2020

S.Akshaya Lakshmi
D/o.G.Sachidhanandan

... petitioner

Vs.

1.State by
The Inspector of Police,
Mangadu Police Station,
Kancheepuram District.

2.Aravindkumar,
S/o.Pagutharivalan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 439(2) of Criminal Procedure Code to cancel the bail granted to the first accused/second respondent herein in Crl.M.P.No.196 of 2020 on the file of the learned District and Sessions Court No.2, Kancheepuram.

For Petitioner : Mr.G.Thyagarajan

For Respondents : M/s.S.Thankira
Government Advocate (Crl.Side) for R1

ORDER

(The case has been heard through video conference)

This petition is filed to cancel the bail granted to the second respondent/Accused-1 in Crl.M.P.No.196 of 2020 dated 28.01.2020 by the learned District and Sessions Court No.2, Kancheepuram, and direct his immediate arrest and incarceration in the above said crime number.

2.The case of the prosecution is that the second respondent had a one side lover affair with the petitioner and thereafter, the second respondent along with two other accused had kidnapped the petitioner/defacto complainant for the purpose marrying her. Hence, the first respondent police registered the Crime No.31 of 2020 for offences under Sections 366 and 506(i) of IPC. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the second respondent was arrested by the first respondent and remanded to judicial custody on 20.01.2020 and after a period of 9 days, the second respondent had filed a petition seeking for bail before the learned District and Sessions Court No.2, Kancheepuram and the learned

Magistrate was pleased to grant bail to the second respondent on 28.01.2020 on condition that to report and sign before the respondent police daily at 5.00 p.m until further orders. He further submitted that after the second respondent coming out on bail, he has been continuously harassing the petitioner. He would submit that on earlier occasion, a compliant was given by her mother and the same is also pending before the first respondent. Therefore, he sought for cancellation of bail granted to the second respondent herein.

4.The learned counsel for the second respondent submitted that the petitioner and the second respondent were schoolmates and they were in love with each other and it was objected by both the families. While so, the mother of the petitioner had given a false complaint against the second respondent and that he has not committed any offence as alleged by the prosecution. However, he would submit that the second respondent undertakes that he will not harass the petitioner. He further submitted that the second respondent has been complying with the conditions regularly. Hence, he prays for dismissal of the petition.

5.The learned Additional Public Prosecutor would submit that the investigation has been completed and final report has also been filed. She would fairly submits that the second respondent has been duly complying with the conditions imposed by the learned District and Sessions Court No.2, Kancheepuram,

6. It is seen that there no serious allegations as against the second respondent and the fact that the investigation has been completed and the final report has also been filed and also taking into considering the undertaking of the second respondent that he will not harass the petitioner in future, this Criminal Original Petition stands dismissed.

26.02.2021

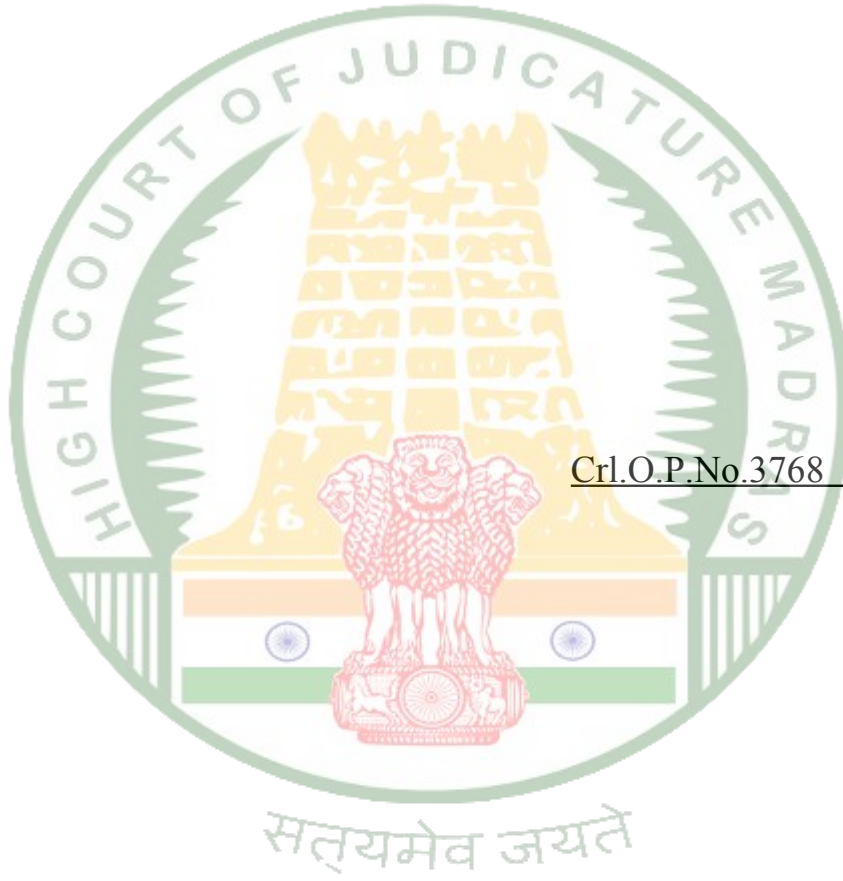
To

- 1.The Inspector of Police,
Mangadu Police Station,
Kancheepuram District.
- 2.The learned District and Sessions Court No.2,
Kancheepuram.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.3768 of 2020

V.BHARATHIDASAN, J.

tta



Crl.O.P.No.3768 of 2020

WEB COPY

26.02.2021