



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 22159 of 2021

J.Murugavel

... Petitioner

Vs.

1. State represented by
Station House Officer
District Crime Branch,
Cuddalore.
Cr.No.7 of 2021.

2. Mariyappan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned District Munsif cum Judicial Magistrate, Neyveli in CMP.No.1314 of 2021 dated 20.09.2021 and consequently cancel the bail granted on 23.08.2021 in favour of 2nd respondent herein.

For Petitioner : Mr.S.Sairaman

For Respondent-1 : Mr.L.Baskaran
Government Advocate (Crl.Side)

For Respondent-2 : Mr.S.Raman

O R D E R

This Criminal Original Petition has been filed to set aside the order passed by the learned District Munsif cum Judicial Magistrate, Neyveli in CMP.No.1314 of 2021 dated 20.09.2021 and consequently cancel the bail granted on 23.08.2021 as against the second respondent.

2. The learned counsel appearing for the petitioner submitted that, based on the complaint lodged by the de-facto complainant, the first respondent has registered a case in Crime No.7 of 2021 under Sections 406, 420 and 506(i) of IPC as against the second respondent.



3. After registration of FIR, the first respondent has arrested the second respondent and produced him before the concerned Judicial Magistrate for remand. However, the learned Magistrate concluded that the second respondent's absconding is not possible. Therefore, the concerned Magistrate is of view that remand of the accused at this stage is not necessary. Further the reason stated is also not satisfactory. Hence, the second respondent was ordered to be released on condition that he has to surrender before the concerned Court and produce two sureties out of which one must be a Government servant, for a sum of Rs.10,000 each for future attendance. Accordingly, the accused was ordered to be released.

4. Considering the above facts, there is no question of cancellation of bail and the Court below rightly rejected the petition filed for cancellation of bail which is not maintainable. Therefore, this Court finds no infirmity or illegality in the impugned order. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

drl

To

1. The Station House Officer
District Crime Branch,
Cuddalore.
2. The Public Prosecutor,
High Court, Madras.

Copy to:

The Judicial Magistrate, Neyveli.

+1cc to Mr.G.Senthil Kumar, Advocate, S.R.No.32919

+1cc to Mr.S.Sairaman, Advocate, S.R.No.33472

CrI.O.P.No. 22159 of 2021

GSM(CO)

UMA(20/06/2022)