



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 27/06/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.MP(MD)No.2389 of 2022

in

Crl.OP(MD)No.4547 of 2019

The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District,
(Crime No.29 of 2019)

: Petitioner/Respondent

Vs.

Abdul Majith

: Respondent/Accused No.3

PRAYER:- This Criminal Miscellaneous Petition has been filed under section 439(2) of Criminal Procedure Code to accept the affidavit and cancel the bail granted in Crl.OP(MD)No.4547 of 2019, dated 24/04/2019 in connection with Crime No.29 of 2019 on the file of the Inspector of Police, Ayyampettai Police Station, Thanjavur District.

For Petitioner : Mr.P.Kottai Chamy
Government Advocate
(Criminal side)

For Respondent : Mr.A.Arun Prasad, Advocate

O R D E R

This petition has been filed seeking cancellation of bail granted by this court to the respondent herein in Crl.OP(MD)No.4547 of 2019, dated 24/04/2019.

2.The respondent is facing the charges punishable under sections 147, 342 and 302 IPC. Originally, a case in Crime No.29 of 2019 was registered under section 174(3) Cr.P.C.

3.The substance of the case is that the daughter of the first accused namely Ameera Sabreen and the brother of the deceased namely Shahul Hameed loved each other. The daughter of the first accused went along with him. Al and others invited the deceased to his house for compromise and they provided him with biscuit and tea. Thereafter, the deceased vomited and taken to the hospital. After 11 days of treatment, he died in the hospital. Based upon the above



said investigation, as mentioned earlier, the case was altered to sections 147, 342 and 302 IPC. He was granted bail by this court, on 24/04/2019 considering the period incarceration.

4.The brother of the deceased and the daughter of the first accused eloped. Shaul Rahman was invited to the house of the accused to come along with laptop of Shahul Hameed. He came to the house of the accused on 25/01/2019 during the night, he was killed by poisoning.

5.Now this petition has been filed by the prosecution on the ground that this respondent after coming out on bail, committed another offence in Crime No.939 of 2001 for the offences punishable under sections 294(b) and 307 IPC. He behaved as rowdy in that area. He was history sheeted element. So on that ground, this petition has been filed.

6.Heard both sides.

7.The particulars with regard to Crime No.939 of 2021 is not available before this court. Whether the petitioner was arrested in that crime number and remanded to custody is not also on record.

8.It is seen that the respondent herein is a history sheeted rowdy. So the petitioner ought to have made objection, at the time hearing of the bail application in Crime No.939 of 2021. The date of the occurrence is not stated. But however, perusal of the files shows that as mentioned above, the respondent herein was arrested and remanded to custody, on 20/02/2019. The bail was granted to the respondent and other persons, on 24/04/2019. Considering the duration of the custody of the respondent only, the bail was granted to him. But without proper particulars, this petition has been filed in a casual manner. So the petition deserves dismissal, of course with liberty to the petitioner to move fresh petition by setting out the entire facts and circumstances along with necessary documents in the related Crime No.939 of 2021.

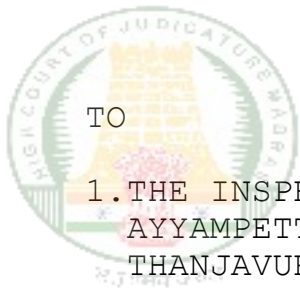
9.With the above said liberty and direction, this petition is **dismissed**.

sd/-
27/06/2022

/ TRUE COPY /

28/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.2389 of 2022

IN

CRL OP (MD) No.4547 of 2019

Date : 27/06/2022

RK/SVR/SAR-I/28.06.2022 : 3P/3C