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CrI.O.P.No.5439 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.5439 of 2023

B.Anandhan

Petitioner

..

Vs.

1.P.Ramkumar

2.State rep.,by the
Inspector of Police,
Sankar Nagar Police Station,
Chengalpattu District.

..Respondents

PRAYER : Criminal Original Petition has been filed under sections 439(ii) of Criminal Procedure Code to cancel the bail granted to the 1st respondent in CrI.M.P.No.854 of 2022 dated 16.02.2023 by the Principal Sessions Court of Kanchipuram District at Chengalpattu.

For Petitioner : Mr.R.John Sathyan, Senior counsel
for Mr.C.Ravichandran

For R1 : Mr.R.Kanesh Kumar

For R2 : Mr.R.Kishore Kumar



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Government Advocate (Crl.Side)

ORDER

Heard the learned Senior Counsel for the petitioner seeking cancellation of bail ordered by the Court below on 16.02.2023.

2. The reason for seeking cancellation of bail is precisely on the fact that the R.D.O., who conducted the enquiry regarding the suspicious death of a married lady within 40 days of marriage, has concluded that she had been subjected to cruelty forcing her to commit suicide. Therefore, the charge under Section 174 of Cr.P.C., was altered to Section 306 IPC. Therefore, the accused, who is the husband of the deceased lady, who has been granted bail without proper appreciation of gravity of the crime should be secured after cancelling the bail.

3. To ascertain whether after receiving R.D.O., enquiry dated 17.02.2023, the Investigating Officer had completed the investigation and filed final report, this Court adjourned the matter today.



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4. The learned Government Advocate (CrI.Side) for the State submitted that the final report is not yet filed. Therefore, this Court is of the opinion that it would be a futile exercise to look into the merits of this application vis a vis the bail order and the R.D.O., report, because even otherwise the accused will be entitled for statutory bail, since final report not filed even after 90 days as mandated under Section 167 (2) of Cr.P.C.

5. The accused is entitled for statutory bail and therefore, there is no focus to entertain this petition. Accordingly, this Criminal Original Petition is dismissed.

15.06.2023

Internet : Yes/No

Index: Yes/No

rpl

To

1.The Principal Sessions Court of Kanchipuram District, Chengalpattu.

2.The Inspector of Police,
Sankar Nagar Police Station,
Chengalpattu District.

3.The Public Prosecutor, High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN, J.



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