

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8992 of 2023

S.Vignesh

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
District Crime Branch,
Salem.
(Crime No.6 of 2021)

2.Sridevi

3.Nandakumar

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to cancel the bail granted to the accused persons in C.M.P.No.359 of 2023 in Cr.M.P.No.930 of 2022 by the learned Judicial Magistrate No.VI, Salem dated 24.03.2023.

For Petitioner	: Mr.M.Rajkumar Franklin
For R-1	: Mr.S.Rajakumar Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to cancel the bail granted to the accused persons in C.M.P.No.359 of 2023 in Cr.M.P.No.930 of 2022 by the learned Judicial Magistrate No.VI, Salem dated 24.03.2023.

2. The submission of the learned counsel for the petitioner is that, the accused filed bail petition in C.M.P.No.359 of 2023 in Cr.M.P.No.930 of 2022. This Criminal Miscellaneous Petition was posted for hearing on 23.03.2023. On 23.03.2023, this petition was adjourned to 27.03.2023. On 27.03.2023, petitioner's counsel herein appeared and submitted that, defacto complainant was going to file intervening petition. However, without giving an opportunity to file intervening petition, learned Judicial Magistrate No.VI, Salem had taken bail petition on 24.03.2023 and granted bail to the accused. This case involves cheating and criminal breach of trust to a tune of Rs.30,00,000/-. Thus, he filed this petition for cancellation of bail.

3. This Court is of the view that, petitioner should have approached the

learned Judicial Magistrate No.VI, Salem, narrating the reasons for cancellation of bail. Without approaching the learned Judicial Magistrate No.VI, Salem, directly approaching this Court, is not right.

4. Therefore, this Criminal Original Petition is disposed, with a liberty to file an appropriate petition for cancellation of bail. On such filing of this petition, learned Judicial Magistrate No.VI, Salem is directed to hear both the parties and pass appropriate orders on merits and in accordance with law within a period of one week from the date of appearance of the accused.

14.09.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

gd

G.CHANDRASEKHARAN,J.

Crl.OP.No.8992 of 2023

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To

1.The Judicial Magistrate No.VI, Salem

2. The Inspector of Police,
District Crime Branch,
Salem.

3.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.8992 of 2023

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