



WEB COPY



CrI.OP.No.27625 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.27625 of 2022

E.Udayasankari

... Petitioner

Vs.

1.G.Murugan

2. State Rep by Inspector of Police,
W5, AWPS-Vepery,
Chennai-600 112.

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to cancel the bail granted to the 1st accused by the learned Mahila Court, Egmore made in CrI.MP.No.1024 of 2022 dated 27.10.2022 and also order the respondent police to recover the stolen articles from 1st accused and to hand over the same to the petitioner.

For Petitioner : Mr.Louisal Ramesh

For Respondents : Mr.M.V.Bibin Mahesh for R1

Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)
for R2



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ORDER

The first respondent was arrested for the offence under Sections 323, 406, 506(i) of IPC and 4 of TNPHW Act in Crime No.07 of 2022. Subsequently, he filed a petition, in Crl.M.P.No.1081 of 2022 dated 27.10.2022 before the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai-08 seeking bail.

2. On an earlier occasion, this Court referred the matter to Mediation and Conciliation Centre, High Court, Madras. After mediation talks, both the parties appeared before this court along with their counsel.

3. The learned counsel for the petitioner/wife would submit that the petitioner wants to take her articles from the first respondent's house.

4. The learned counsel for the first respondent would submit that the first respondent/husband had already handed over the articles and other belongings to the petitioner/defacto complainant but the same was denied by the petitioner/wife.



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5. The learned Government Advocate (Crl.Side) would submit that the first respondent/husband is not co-operating for the investigation. He would further submit that the petitioner is an Advocate by profession and she is having three months old baby.

6. Taking note of the fact that the first respondent is not co-operating for the investigation and there is also a controversy prevailing between the parties with regard to the possession of articles of the petitioner/wife and considering the submission made by both counsel, bail already granted to the first respondent in Crl.M.P.No.1024 of 2022 by the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai-08 on 27.10.2022 stands cancelled.

7. Accordingly, this Criminal Original Petition stands allowed.

24.01.2023

Vv

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T.V.THAMILSELVI,J.

Vv/nr

To

To

- 1.The Metropolitan Magistrate,
Additional Mahila Court,
Egmore, Chennai-08
- 2.The Inspector of Police,
W5, AWPS-Vepery,
Chennai-600 112.
- 3.The Public Prosecutor,
High Court, Madras.

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24.01.2023