



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

Monday, the Tenth day of April Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.4821 of 2023

IN

CRL OP(MD) No.8931 of 2022

SELVENDRAN

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 R.JEYAPRABHU

... RESPONDENT 1/PETITIONER

2 THE STATE REP.BY
THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
(IN CRIME NO.147/2020).

... RESPONDENT 2/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the bail granted to the Respondent 1/Accused No.1 in Cr1.OP (MD)No.8931/2022 dt.6/5/2022.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.HENRI TIPHAGNE, Advocate for the petitioner and of Mr.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the 2nd Respondent, the court made the following order:-

This petition has been filed to cancel the bail granted to the first respondent in Cr1.O.P.(MD)No.8931 of 2022 dated 06.05.2022.

2.The first respondent is arrayed as A1 in Cr.No.147 of 2020. He was arrested and thereafter, he was released on bail by this Court by an order dated 06.05.2022 on the following conditions:-

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Court (FTC), Theni.



(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

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(ii) the petitioner shall report before the trial Court daily at 10.30 am., until further orders;

(iii) the petitioner shall also file an undertaking affidavit before the trial Court that he will co-operate during the trial;

(iv) the petitioner shall not tamper with evidence or witness.

(v) the petitioner shall not abscond during trial;

(vi) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

3. Thereafter, the first respondent filed a petition to relax the condition in Crl.M.P.(MD)No.6450 of 2022 in Crl.O.P.(MD)No.8931 of 2022 and this Court modified the condition and directed the petitioner to report before the Flower Bazar Police Station, Chennai daily at 10.00 am. However, the first respondent did not comply the said condition. Therefore, the petitioner filed the present petition to cancel the bail. Another ground raised by the petitioner is that this Court did not taken note about the previous antecedents of the first respondent/A1 and he failed to cross-examine the prosecution witnesses and dragged the trial process.

4. It is seen that after completion of investigation, the second respondent police filed final report and the same has been taken cognizance in S.C.No.12 of 2022 by the learned Additional Sessions Judge (FTC), Theni. So far, the prosecution had examined 28 witnesses out of 37 witnesses. The first respondent and other accused persons are regularly appearing before the trial Court. Therefore, non-cross-examination of the prosecution witnesses and previous antecedents of the accused cannot be a ground to cancel the bail granted to the first respondent. After consideration of those aspects, this Court granted bail to the first respondent. Therefore, this Court finds no ground to cancel the bail.



Accordingly, this criminal miscellaneous petition is dismissed. The trial Court is directed to complete the trial within a period of one month from the date of receipt of a copy of this order.

sd/-
10/04/2023

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/05/2023

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

GNS

TO

- 1 THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT, THENI.
- 2 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

- 1 THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.HENRI TIPHAGNE Advocate SR.No.5770

ORDER

IN

CRL MP(MD) No.4821 of 2023
IN

CRL OP(MD) No.8931 of 2022
Date :10/04/2023

SA/MMS/SAR.2/18.05.2023/3P/7C