



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 06.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.10873 of 2022

M.Mumtaj ... Petitioner/De-facto complainant

vs.

1.Abdul Hakeem ... 1st Respondent/Accused

2.The Inspector of Police,
Nilakottai All Women Police Station,
Nilakottai,
Dindigul District. ... 2nd Respondent/Complainant

PRAYER : This Criminal Original Petition has been filed under Section 439(2) of Cr.P.C., to cancel the bail granted by the learned Judicial Magistrate, Nilakottai in Crl.M.P.No.1398 of 2022, dated 06.05.2022 to the first respondent/accused.

For Petitioner : Mr.M.Karuppasamy Pandian
For R1 : Mr.D.Venkatesh
For R2 : Mr.T.Senthilkumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to cancel the bail granted by the learned Judicial Magistrate, Nilakottai in Crl.M.P.No.1398 of 2022, dated 06.05.2022 to the first respondent/accused.



2.The petitioner is the de-facto complainant and she lodged a complaint before the second respondent and a case has been registered in Crime No.3 of 2022 for the offences punishable under Sections 498-A, 294(B), 324 and 506(i) of IPC. In pursuant to the registration of FIR, the first respondent/accused was arrested and while remanding to judicial custody, he was granted bail by the Court below in CrI.M.P.No.1398 of 2022 on the following conditions:-

“1.The accused shall upon executing a bond for Rs.10,000/- with two sureties of like sum each to the satisfaction of this Court.

2.The accused must co-operate with the prosecution for investigation.

3.The accused shall appear before the concerned Police Station and sign daily at 10.00 a.m for 7 days.”

3.The learned counsel for the petitioner would submit that the first respondent/accused failed to comply with the condition as imposed by the Trial Court, while he was granting bail. Hence, he would seek for allowing this petition.

4.The learned Additional Public Prosecutor for the second respondent would submit that the first respondent/accused has failed to appear before the respondent police. However, the respondent police has completed the investigation and final report has already been filed before the learned Judicial Magistrate, Nilakottai and the same was taken



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cognizance in C.C.No.153 of 2022. That apart, arguments are also completed and its pending and fag-end on trial.

5.Since the investigation has been completed and the charge sheet has already been filed and the same was taken cognizance in C.C.No.153 of 2022 on the file of the learned Judicial Magistrate, Nilakottai, this Court is not inclined to cancel the bail granted to the first respondent/accused.

6.Accordingly, this Criminal Original Petition is dismissed.

06.03.2023

sjj
NCC: Yes/No
Index: Yes/No
Internet: Yes/No

To

- 1.The Judicial Magistrate, Nilakottai
- 2.The Inspector of Police,
Nilakottai All Women Police Station,
Nilakottai,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN , J.

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