



CRL OP(MD)No.15988 of 2023

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

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.15988 of 2023

S.Jebastin ... Petitioner / Defacto Complainant

Vs

1.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.165 of 2023) ... 1st Respondent / Complainant

2.B.Herald @ Herald Viju Mon ... 2nd Respondent / Petitioner / Accused

PRAYER :- This petition filed under Section 439(2) r/w 482 Cr.P.C., to cancel the bail granted by the Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District in Crl.M.P.No.10558 of 2023 dated 08.08.2023.

For Petitioner : Mr.Dhilipan Pandian, Advocate
For R1 : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor
For R2 : Mr.C.Sankar Prakash, Advocate

ORDER

This criminal original petition has been filed to cancel the bail granted by the
Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District in



CRL OP(MD)No.15988 of 2023

CrI.M.P.No.10558 of 2023 dated 08.08.2023.

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2.The learned counsel appearing for the petitioner would submit that the second respondent herein is the accused in Cr.No.165 of 2023 pending on the file of the first respondent herein. He was arrested on 31.07.2023. Hence, he applied bail application in Cr.M.P.No.10558 of 2023 before the Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District and bail was granted on 08.08.2023 by stating that the petitioner herein discharged from the hospital. In fact, the petitioner herein was taking treatment in the private hospital and hence, he objected to grant bail. However, the Court below without considering the same, granted bail to the second respondent. Therefore, the petitioner filed the present petition to cancel the bail.

3.The learned counsel appearing for the second respondent would submit that the Court below, after considering facts and circumstances of the case, the injuries sustained by the petitioner herein, period of incarceration and the age of the second respondent herein, correctly granted bail to the second respondent. Therefore, it does not warrant any interference by this Court.

4.On perusal of records, it is noticed that the second respondent herein is the accused in Cr.No.165 of 2023 pending on the file of the first respondent herein. After arrest, he filed bail petition and the same was allowed by the Court below. As



CRL OP(MD)No.15988 of 2023

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of now, the second respondent complied with the condition imposed by the Court below. This Court finds no ground to cancel the bail granted to the second respondent. Accordingly, this criminal original petition is dismissed.

sd/-
10/10/2023

/ TRUE COPY /

/11/2023

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

GNS

To

- 1.The Judicial Magistrate No.II,
Padmanabhapuram, Kanyakumari District.
- 2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.15988 of 2023

Date :10/10/2023

ED/JGB /SAR- (08/11/2023) 3P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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