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

Wednesday, the Fourteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL MP(MD) No.5990 of 2024
IN
CRL OP(MD) No.23008 of 2023

THE INSPECTOR OF POLICE
CBCID RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO.1/2023) ... PETITIONER/RESPONDENT/ COMPLAINANT

Vs

1 KAYALVIZHI

2 ANNALAKSHMI @ UMA ... RESPONDENTS/PETITIONERS/ ACCUSED 4 & 5

Criminal Miscellaneous 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 by this Honble Court in Crl.OP(MD)No.23008/2023 dt 20.12.2023.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the Petitioner and of Mr.R.ALAGUMANI, Advocate for the Respondents No.1 & 2, the court made the following order:-

This petitioner has been filed to cancel the bail, granted by this Court, in Crl.OP

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(MD)No.23008 of 2023, dated 20.12.2023.

2.This petition is filed by the prosecution to cancel the bail granted to the petitioners, who are arrayed as accused Nos.4 & 5. The grounds on which the cancellation of bail is filed is that firstly, the bail which was granted to first accused has been cancelled by this Court and the same was suppressed by the respondents. The second ground on which the application is filed is that the accused have tampered the witness and the witness, P.W.1 turned hostile.

3. The said allegations are refused by the learned Counsel appearing on behalf the respondents / accused. Firstly, by pointing out the paragraph 4 of the original bail application filed by them wherein, they have stated the fact that the bail in respect of the first request was cancelled. He would further submit that in this case, when PW.1 was examined in the month of July 2023, she turned hostile. But, at that time, the petitioners were in custody and not even granted bail.

4. I have considered the said submissions made on either side.

5.The learned Additional Public Prosecutor is not in a position to controvert the submission made by the learned counsel for the respondents / accused. It can be seen from paragraph 4 of the petition that the fact has been mentioned and PW.1 did not turn hostile after the enlargement of the petitioners on bail. On the other hand, she turned hostile, even when they were in custody and subsequently, bail was granted.

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6. In view thereof, no grounds are made out to cancel the bail and accordingly this Criminal Miscellaneous Petition stands dismissed.

sd/-
14/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO
1 THE JUDGE,
MAHILA FAST TRACK COURT, RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE
CBCID RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.5990 of 2024
IN
CRL OP(MD) No.23008 of 2023
Date :14/08/2024

SA/GS/SAR. /24.08.2024/3P/4C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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