



(MD)No.15301 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2024

CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)Nos.15301 & 15345 of 2023

1.Sathiyamoorthy

... Petitioner/Defacto Complainant
in Crl.OP.(MD)No.15301 of 2023

2.Sivakumar

... Petitioner/Victim
in Crl.OP.(MD)No.15345 of 2023
Vs.

1.Muthusamy

...1st Respondent/ Accused No.1
in both cases

2.The Inspector of Police,

O/o. The Inspector of Police,
District Crime Branch (DCB),
Theni District.

In Crime No.18 of 2022

...2nd Respondent/ Complainant in both Crl.OPs.

COMMON PRAYER : Criminal Original Petitions filed under Section 439(2) of the Code of Criminal Procedure, to set aside and cancel the bail order in Crl.R.P.No.32 of 2022 dated 19.10.2022 on the file of the Principal Sessions Judge, Theni.

(In both cases)

For Petitioner : Mr.M.Saravanan, Advocate

For R2 : Mr.SS.Madhavan,
Government Advocate (Crl. Side)



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COMMON ORDER

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These Criminal Original Petitions have been filed to set aside and cancel the bail order in Crl.R.P.No.32 of 2022 dated 19.10.2022 on the file of the Principal Sessions Judge, Theni.

2.The learned counsel appearing for the petitioners would submit that the first respondent herein is the accused in Cr.No.18 of 2022, which was registered for the offence punishable under Sections 406, 417, 420 and 120(b) IPC and thereafter, he was arrested and remanded to judicial custody on 19.02.2022. He would further submit that the first respondent preferred a bail petition under Section 167(2) Cr.P.C., and the same was dismissed. Challenging the same, the first respondent preferred revision in Crl.R.P.No.32 of 2022, which was ordered on 19.10.2022 and the first petitioner was released on bail. He would also submit that the first respondent herein cheated the several depositors in and around Tamilnadu and till now, the cheated amount has not been recovered. That apart, the first respondent has also involved in the similar type of cases. Therefore, he would pray to cancel the bail granted to the first respondent.



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3. Heard and perused the materials available in the records.
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4. On perusal of records reveals that considering the non-filing of charge sheet, the trial Court ordered default bail to the first respondent under Section 167(2) Cr.P.C. Already it has been settled by the Hon'ble Supreme Court that very cogent and supervening circumstances are necessary for an order directing the cancellation of bail already granted. That apart, in this case the trial Court granted default bail for non-filing of charge sheet within a stipulated time, which cannot be interfered by this Court. Accordingly, these criminal original petitions are dismissed.

sd/-
05/01/2024

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/01/2024

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

gns

To

1. The Principal Sessions Judge,
Theni.

2. The Inspector of Police,
O/o. The Inspector of Police,
District Crime Branch (DCB),
Theni District.



(MD)No.15301 of 2023

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-313[I] dated 08/01/2024)

ORDER
IN
CRL OP(MD) No.15301 of 2023
Date :05/01/2024

RK/DD (18/01/2024) 4P / 5C
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