



CrI.O.P.No.19053 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.19053 of 2024

and

CrI.M.P.No.11254 of 2024

Nirmala

... Petitioner

Vs.

1. The Inspector of Police
Rajamangalam Police Station
Chennai

2. T.Jayanthi

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to set aside the order passed by the XIII Metropolitan Magistrate, Chennai, in CrI.M.P.No.37255 of 2023 in Crime No.826 of 2022 dated 22.12.2023, cancelling the bail granted to the petitioner in CrI.M.P.No.37255 of 2023 dated 25.08.2023.



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For Petitioner	: Mr.V.V.Sairam
For 1 st Respondent	: Mr.S.Vinoth Kumar Government Advocate (Crl. Side)
For 2 nd Respondent	: No Appearance

ORDER

This Criminal Original Petition has been filed by the petitioner to set aside the order passed by the XIII Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P.No.37255 of 2023 in Crime No.826 of 2022 dated 22.12.2023, cancelling the bail granted to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the 1st respondent police and also perused the materials available on record.

3. It is seen that based on the complaint given by the 2nd respondent, the FIR in Crime No.826 of 2022 has been registered against the petitioner for the offence under Section 406 and 420 IPC on 25.10.2022. Subsequently, based on the sworn statement given by the petitioner to settle the amount to the defacto



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complainant in five months, the learned Magistrate has released the petitioner on bail, whereas, the petitioner, after availing bail, did not keep up his promise and therefore, the defacto complainant/2nd respondent filed a petition before the Magistrate in Crl.M.P.No.37255 of 2023 to cancel the bail granted to the petitioner and the learned Magistrate, on finding that the petitioner did not keep up the undertaking given before the Court while availing bail, cancelled the bail by order dated 22.12.2023, granted to the petitioner. This Court does not find any reason to interfere with the order passed by the Magistrate.

4. Further, it is seen that though the cancellation order was passed on 22.12.2023 itself, the petitioner has not been secured so far. Therefore, there is no apprehension of arrest. However, meanwhile the respondent police has filed the charge sheet. Therefore, there is no need to set aside the order passed by the Magistrate.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.



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6. The petitioner is at liberty to work out his remedy in the manner known to law.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The XIII Metropolitan Magistrate, Egmore, Chennai,
2. The Inspector of Police
Rajamangalam Police Station
Chennai
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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