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Crl.R.C.No.1516 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1516 of 2024

Selvam

...Petitioner

-Vs-

State by:

1. The Inspector of Police,
District Crime Branch,
Kallakurichi & District.
(Cr.No.213/2023)
2. The Station House Officer,
Elavanasoorkottai Police Station,
Kallakurich District.
3. Siva
4. P.L.Ramesh

...Respondents

Prayer: Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the impugned statutory bail order granted to the third and fourth respondents by the learned Judicial Magistrate No.2, Ulundurpet, Kallakurichi District in C.M.P.No.5301 of 2023 dated 16.08.2023 and set aside the same.

For Petitioner : Mr.R.Prabudoss



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For Respondent : Mr.S.Sugendran,
Addl. Public Prosecutor for R1 & R2

Mr.A.E.Lakshmi Narayanan
for R3 & R4

ORDER

This criminal revision is filed by the defacto complainant against the order of bail granted to the respondents 3 and 4, who are accused in Cr.No.213 of 2023, by the learned Judicial Magistrate No.II, Ulundurpet.

2 Based on the complaint given by the petitioner, the second respondent police registered a case in Cr.No.213 of 2023 against the respondents 3 and 4 for the offence under Sections 420, 406, 409, 419 and 120B IPC. Pending investigation, the respondents 3 and 4 have filed petition under Section 167(2) Cr.P.C. seeking statutory bail. The learned Judicial Magistrate No.II, Ulundurpet, by an order dated 16.08.2023, in C.M.P.No.5301 of 2023, granted bail observing that the petitioners were in judicial custody for 61 days and charge sheet has not yet been filed.



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Challenging the same, the defacto complainant is before this Court with the present criminal revision case.

3 Learned counsel for the petitioner/defacto complainant would submit that the accused have filed the petition under Section 167(2) Cr.P.C. on the 60th of their arrest, whereas, the FIR was registered for the offence under Section 409 IPC, which is punishable for more than ten years, for which the statutory period for filing charge sheet is only 90 days and not 60 days. The learned Magistrate without considering the above facts, erroneously granted bail to the respondents 3 and 4/accused, which warrants interference of this Court.

4 Learned Additional Public Prosecutor for the respondents 1 and 2 would submit that statutory period for filing charge sheet for the offence under Section 409 IPC is 90 days, but the accused approached the Court on the 60th day itself and the learned Magistrate also without considering the above fact, granted bail, which warrants interference of this Court. Further now charge sheet has also been filed on 30.11.2024.



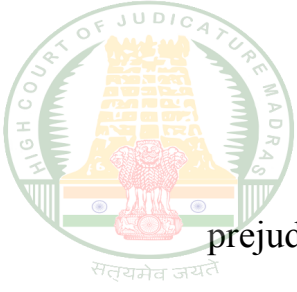
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5 Learned counsel for the respondents 3 and 4 would submit that in this case, even till date, charge sheet has not been filed and hence the accused are entitled to statutory bail.

6 Heard the learned counsel for the petitioner/defacto complainant, the learned Additional Public Prosecutor for the first and second respondents and the learned counsel for the third and fourth respondents and perused the materials available on record.

7 It is the contention of the learned counsel for the defacto complainant and the learned Additional Public Prosecutor that the statutory period for the offence under Section 409 IPC is 90 days and the accused had approached the Court on the 60th day and the learned Magistrate also granted bail, which is not sustainable in law. It is to be noted that the accused were arrested on 16.06.2023, whereas charge sheet has been filed only on 30.11.2024, i.e. only after the lapse of 90 days. Therefore there is no



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prejudice caused to the petitioner/defacto complainant. This Court does not find any reason to interfere the order of the learned Judicial Magistrate.

8 Accordingly, this criminal revision case stands dismissed.

02.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
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To

1. The Judicial Magistrate No.2, Ulundurpet, Kallakurichi District.
2. The Inspector of Police, District Crime Branch, Kallakurichi & District.
3. The Station House Officer, Elavanasoorkottai Police Station, Kallakurich District.



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P.VELMURUGAN, J.,
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