

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.5054 of 2021

J.Sulthana Parveen

... Petitioner/Third Party/
De-facto complainant

VS.

1.Yusuf Ali @ Mohammed Usuf Ali

... 1st Respondent/Petitioner

2.The Inspector of Police,
All Women Police Station,
Keelakkarai,
Ramanathapuram District.
(Crime No.13 of 2020)

... 2nd Respondent/
Complainant

PRAYER : This Criminal Original Petition has been filed under Section 439(2) of Cr.P.C., to cancel the bail granted to the first respondent in Cr.M.P.No.2231 of 2020 dated 30.09.2020 on the file of the Principal District and Sessions Judge, Ramanathapuram.

For Petitioner : Mr.N.Pragalathan

For R1 : Mr.Niranjan S.Kumar

For R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor



ORDER

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This Criminal Original Petition has been filed to cancel the bail granted to the first respondent in Cr.M.P.No.2231 of 2020 dated 30.09.2020 on the file of the Principal District and Sessions Judge, Ramanathapuram.

2. The petitioner lodged a complaint against the first respondent and others and the same was registered in Crime No.13 of 2020 for the offences under Sections 354(A)(@), 354(D)(@), 509, 386, 506(ii) of IPC and Section 67, 67(A) of the Information Technology Act, on the allegation that the first respondent was engaged to marry the defacto complainant in the year 2018 and due to some misunderstanding between the parties, the marriage could not be took place. Therefore, the first respondent sent morphed photos to the petitioner's phone and also threatened her and demanded money. In pursuant to the registration of FIR, the first respondent was arrested and remanded to judicial custody on 26.07.2020. Subsequently, he moved an application for bail before the learned Principal District and Sessions Judge, Ramanathapuram, in CrI.M.P.No.2231 of 2020 and the same was allowed on 30.09.2020 on



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condition that the first respondent shall appear before the respondent police daily at 10.30 a.m and 5.00 p.m until further orders.

3. The petitioner has filed the present petition on the ground that after released on bail, the first respondent went to the house of the defacto complainant and threatened her with dire consequences and also compelled the defacto complainant to marry him. Therefore, the petitioner lodged another complaint and the same has been registered in Crime No.66 of 2021 for the offences punishable under Sections 294(b), 323, 506(ii) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act. Hence, the petitioner sought for cancellation of bail granted to the first respondent.

4.The learned Additional Public Prosecutor appearing for the second respondent would submit that the first respondent/A1 has duly complied with the condition imposed by the Court below and now, the case is pending for filing final report.

5. Now, the first respondent is facing another charges and insofar as the present case is concerned, the second respondent is yet to file a



final report and the first respondent was incarcerated for more than 35 days and only thereafter, he was released on bail. That apart, the first respondent has complied with the conditions imposed by the court below. Therefore, the petitioner has failed to make out grounds to cancel the bail granted to the first respondent. Hence, this Court is not inclined to allow this petition.

6. Accordingly, this Criminal Original Petition is dismissed. However, the second respondent is directed to complete the investigation and file a final report in Crime No.13 of 2022 within a period of 12 weeks from the date of receipt of a copy of this order.

07.03.2023

cp
NCC: Yes/No
Index: Yes/No
Internet: Yes/No

To

1. The Principal District and Sessions Judge, Ramanathapuram.

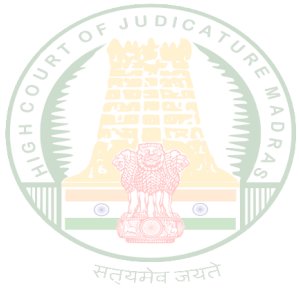
The Inspector of Police,
All Women Police Station,
Keelakkarai,
Ramanathapuram District.

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



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G.K.ILANTHIRAIYAN , J.

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