

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-10-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1090 of 2015
and
M.P. No. 1 of 2015

1.Jayaprakash
2.Kala
3.Gomathi
4.Dhivya

... Petitioners

Versus

The State
rep. by the Deputy Superintendent of Police
Thirukovilur Sub-Division
Thirukovilur All Women
Cr.No.9 of 2015

... Respondent

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the order passed in CrI.M.P.No.566 of 2015 on the file of the learned Sessions Judge (for SC/ST Cases), Villupuram, dated 31.08.2015.

For Petitioners : Mr.N.Santhosh

For Respondent : Mr.V.Arul
Government Advocate
(Criminal Side)

ORDER

One Nithiyapriya is the defacto complainant in Cr.No.9/2015 on the file of the Thirukovilur All Women Police Station. The petitioners, who were arrayed as accused Nos.1 to 4, were granted bail in Cr.M.P.No.56 of 2015, by order dated 07.04.2015. The bail was granted to all the accused with a condition that they should appear before the Thirukovilur All Women Police Station daily at 10.00 a.m. for a period of 30 days. Alleging that the accused did not comply with the said condition, the complainant has filed a petition in Cr.M.P.No.566 of 2015 seeking for cancellation of bail. The Lower Court on finding that the accused wantonly omitted to obey the condition has allowed the petition seeking for cancellation of bail and hence, this Criminal Revision Case is filed by the accused.

2. Mr.N.Santhosh, learned counsel appearing for accused Nos.1 to 4 would submit that accused Nos.1 to 4 have filed a petition before the Lower Court seeking bail in Cr.M.P.No.56 of 2015 and the Lower Court, by order dated 07.04.2015, granted bail and thereafter, they could not comply with the condition imposed on them because of the ill-health of their mother viz., second petitioner herein and she was taken by the other accused to the hospital for treatment, but, unfortunately, the Lower Court has cancelled the bail granted to them. He would further add that the accused Nos.1 to 4 had no intention to violate the condition imposed by the Lower Court. He would further add that when the accused Nos. 1 to 4 went to the police station to sign, they were not allowed to sign and therefore, they could not comply with the conditional order of bail. He would further submit that it is a family dispute and the accused now undertake to abide by any condition imposed by this Court and hence, he would seek to set aside the impugned order cancelling the bail granted to them.

3. Mr.V.Arul, learned Government Advocate would contend that the accused Nos. 1 to 4 have not complied with the condition imposed on them by the Lower Court and therefore, the Lower Court has rightly cancelled the bail granted to them. He would further add that there is no previous case pending against the accused.

4. Heard both sides.By consent, the Criminal Revision Case is taken up for final disposal at the stage of admission itself.

5. On a perusal of the materials available on record, it is seen that neither the petitioners have obeyed the condition nor filed any petition seeking for modification. However, taking into consideration that accused Nos.1 to 4 have filed a petition before the Lower Court seeking bail in Cr.M.P.No.56 of 2015 and the Lower Court, by order dated 07.04.2015, granted bail and thereafter, they could not comply with the condition imposed on them because of the ill-health of their mother viz., second petitioner herein and she was taken by the other accused to hospital for taking treatment and also taking into consideration that they had not intentionally violated the condition imposed by the Lower Court, apart from that, now all the accused undertake to abide by any condition imposed by this Court and they seek the sympathy of this Court, this Criminal Revision Case is allowed and the order passed by the Lower Court in Cr.M.P. No.556 of 2015, dated 31.08.2015, is set aside and the order granting bail by the Lower Court in Cr.M.P.No. 56 of 2015, dated 07.04.2015, stand restored. It is made clear that the petitioners shall again execute another bond for Rs.10,000/- each with two sureties for a like sum each. The condition imposed directing the accused to appear before the Thirukovilur All Women Police Station daily at 10.00 a.m. for a period of

30 days, is modified directing the first petitioner to stay at Vellore and sign before the Vellore North Police Station daily at 10.00 a.m. for a period of thirty days from the date of receipt of a copy of this order and since, the petitioners 2 to 4 are ladies, they will stay at Vellore for a period of one week and sign before the Judicial Magistrate No.I, Vellore, for a period of one week from the date of receipt of a copy of this order, thereafter, they shall go to the Villupuram District and they shall sign before the concerned Magistrate for a period of another one week, daily at 10.30 a.m. without fail, failing which, the bail granted to the accused shall stand automatically cancelled and they will be arrested. The petitioners are further directed to file an undertaking affidavit before this Court undertaking to appear regularly in the Court as and when required and that they will not violate any condition. Consequently, connected Miscellaneous Petition is closed.

paa

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Superintendent of Police
Thirukovilur Sub-Division
Thirukovilur All Women.
2. The Sessions Judge
(for SC/ST Cases),
Villupuram.
3. The Judicial Magistrate I,
Vellore.
4. The Inspector of police Station,
Vellore North Police Station,
Vellore.
5. The Public prosecutor,
High court, Madras.

vd(co)
prk30/10

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