

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-04-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 370 of 2015
and

M.P. No. 1 of 2015

1.Nithya

2.Chinnadurai

3.Sambamoorthy ... Petitioners

Versus

1. The State
rep. by Sub-Inspector of Police
Thoothur Police Station
Ariyalur District
(Cr.No.2 of 2015)

2. Anantharaj ... Respondents

Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. against the order dated 15.04.2015 made in Cr1.M.P. No.187 of 2015 on the file of the learned Principal District & Sessions Judge, Ariyalur.

For Petitioners : M/s.S.Kingston Jerold

For Respondents : Mr.R.Prathap Kumar
Government Advocate
(Criminal Side)
for first respondent
Mr.R.Gokula Krishnan
for second respondent

ORDER

The second respondent is the defacto complainant in Cr.No.2/2015. The petitioners, who were arrayed as accused, have applied for anticipatory bail before the Lower Court and the Lower Court granted anticipatory bail in Cr.M.P.No.29 of 2015, dated 09.01.2015, with condition that they should sign before the Judicial Magistrate Court, Ariyalur, daily once at 10.00 a.m., until further orders. Alleging that the accused did not comply with the condition and they are threatening the witnesses, the defacto complainant has

filed a petition in CrI.M.P.No.187 of 2015 seeking for cancellation of bail. The Lower Court 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. The learned counsel appearing for the petitioner would submit that the Lower Court believing the allegation made by the defacto complainant has wrongly cancelled the anticipatory bail granted to the petitioners. He would bring to the notice of this Court that the first petitioner is a lady aged about 19 years old and she will be put to unnecessary harassment and it is only due to the ill-health of her father, she could not go to the Lower Court to affix her signature, but, this vital fact was not brought to the notice of the Lower Court, therefore, the Lower Court has allowed the petition seeking for cancellation of bail.

3. Heard the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent/ defacto complainant, who would contend that the petitioners/accused never complied with the condition and therefore, the Lower Court has rightly allowed the petition seeking for cancellation of bail.

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

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. In my considered opinion the order passed by the Lower Court is correct, because, the accused have not complied with the conditional order of bail. On the otherhand, considering the fact that the first petitioner is a lady aged about 19 years and she seeks the sympathy of this Court and further, it is submitted that she has to take care of her father, who is suffering from ailment, this Court is inclined to modify the order dated 15.04.2015 made in CrI.M.P. No.187 of 2015 on the file of the learned Principal District and Sessions Judge, Ariyalur insofar as the first petitioner alone is concerned and this Court is inclined to grant anticipatory bail to the first petitioner and insofar as petitioners 2 and 3 are concerned, the order passed by the Lower Court stands confirmed.

6. In the result, the order dated 15.04.2015 made in CrI.M.P. No.187 of 2015 on the file of the learned Principal District and Sessions Judge, Ariyalur, is modified insofar as the first petitioner alone is concerned and this Court is inclined to grant anticipatory bail to the first petitioner and she shall surrender before the learned Judicial Magistrate Court, Ariyalur, and shall execute a bond for Rs.10,000/- each along with two sureties each for a like sum to

the satisfaction of the learned Judicial Magistrate, Ariyalur. The first petitioner shall appear and sign before the Judicial Magistrate Court, Ariyalur, in the first working day of every English Calendar month at 10.30 a.m., until further orders, failing which, the anticipatory bail granted to her shall stand automatically cancelled. Insofar as petitioners 2 and 3 are concerned, the order dated 15.04.2015 made in CrI.M.P. No.187 of 2015 on the file of the learned Principal District and Sessions Judge, Ariyalur, stands confirmed. With the above modification, the Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is closed.

paa

s/d-
Deputy Registrar (J)

True Copy

Sub-Assistant Registrar

To

1. The Principal District & Sessions Judge, Ariyalur.
2. The Judicial Magistrate, Ariyalur.
3. -do- thro' Chief Judicial Magistrate, Ariyalur.
4. The Sub Inspector of Police, Thoothur Police Station, Ariyalur District.
5. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.S.Kingston Jerold Advocate SR 23153

+ 1 cc to Mr.S.Gunalan, Advocate SR 22652

rsy(co)
prk15/5

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