

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-09-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 976, 985, 986 and 1006 of 2015
and
M.P. Nos. 1 and 1 of 2015 in CrI.R.C.Nos. 976 & 1006 of 2015

CrI.R.C.No.976 of 2015:-

1.Shankar
2.Raja
3.Nari Kannan @ Kannan
4.Elangiyam
5.Elamathi
6.Kalaimalar
7.Baby
8.Amudha .. Petitioners

Versus

1. Sub-Inspector of Police
Kayarlapath Police Station
Ariyalur District
Cr.No.118 of 2015
2. Palanisamy .. Respondents

CrI.R.C.No.985 of 2015:-

T.Venkatesan .. Petitioner

Versus

State rep. by Inspector of Police
Kayarlapath Police Station
Ariyalur District .. Respondent

CrI.R.C.No.986 of 2015:-

T.Venkatesan .. Petitioner

Versus

1. State rep. by
Inspector of Police
Kayarlapath Police Station
Ariyalur District
2. Palanisamy .. Respondent

CrI.R.C.No.1006 of 2015:-

1.Shankar
2.Raja
3.Nari Kannan @ Kannan
4.Elangiyam
5.Elamathi
6.Kalaimalar
7.Baby
8.Amudha

.. Petitioners

Versus

Sub-Inspector of Police
Kayarlapath Police Station
Ariyalur District
Cr.No.118 of 2015

.. Respondent

Criminal Revision Cases filed under Section 397 r/w. 401 of Cr.P.C. against the common orders dated 02.09.2015 made in Cr.M.P. Nos.833, 854, 832 and 855 of 2015 on the file of the learned Principal District & Sessions Judge, Ariyalur.

For Petitioners
in CrI.R.C.Nos.976/2015
& 1006/2015

: Mr.C.Prabakaran

For Petitioner
in CrI.R.C.Nos.985/2015
& 986/2015

: Mr.G.Ramakrishnan

For Respondents
in all revisions

: Mr.V.Arul
Government Advocate
(Criminal Side)
for R.1 in CrI.R.C.Nos.976
&986/2015
& respondent in
CrI.R.C.Nos.985 &1006/2015

COMMON ORDER

One Palanisamy is the defacto complainant in Cr.No.118/2015 on the file of the Kayarlapath Police Station. The petitioner in CrI.R.C.Nos.985 and 986 of 2015/Venkatesan, who is arrayed as accused No.5, was granted bail in Cr.M.P.No.698 of 2015, by order dated 13.07.2015. The petitioners in CrI.R.C.Nos.976 and 1006 of 2015/other accused were granted anticipatory bail in Cr.M.P.No. 701 of 2015, by order dated 16.07.2015. The bail and anticipatory bail were granted to all the accused with a condition that they should appear before the Kayarlapath Police Station twice at morning 10.00 a.m. and evening 5.00 p.m., until further orders. Alleging that the accused did not comply with the said condition, the defacto

complainant has filed petitions in Cr.M.P.Nos.833, 854, 832 and 855 of 2015 seeking for cancellation of bail. The Lower Court on finding that the accused wantonly omitted to obey the condition has allowed the petitions seeking for cancellation of bail and hence, this Criminal Revision Cases are filed by the accused.

2. Mr.G.Ramakrishnan, learned counsel appearing for accused No.5 would submit that accused No.5 was already arrested and remanded to judicial custody and he was in custody for 11 days. Thereafter, accused No.5 has filed a petition before the Lower Court seeking bail in Cr.M.P.No.698 of 2015 and the Lower Court, by order dated 13.07.2015, granted bail and thereafter, accused No.5 could not comply with the condition imposed on him because of his ill-health as he was suffering from jaundice and he was taking treatment and to prove the same, he has produced the Medical Certificate to that effect, but, unfortunately, the Lower Court has cancelled the bail granted to him.

3. Mr.C.Prabakaran, learned counsel appearing for the other accused would contend that they were doing coolie work and they had no intention to violate the condition imposed by the Lower Court. He would further submit that the accused are the sole breadwinners of the family and they now undertake to abide by any condition imposed by this Court and hence, he would seek to set aside the impugned order cancelling the anticipatory bail granted to them.

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

5. Heard both sides. By consent, all these Criminal Revision Cases were taken up for final disposal at the stage of admission itself.

6. 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 No.5 was already arrested and remanded to judicial custody and he was in custody for 11 days and thereafter, accused No.5 has filed a petition before the Lower Court seeking bail in Cr.M.P.No.698 of 2015 and the Lower Court, by order dated 13.07.2015, granted bail and thereafter, accused No.5 could not comply with the condition imposed on him because of his ill-health as he was suffering from jaundice and was taking treatment and to prove the same, he has produced the Medical Certificate to that effect and also taking into consideration that other accused were doing coolie work and 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, these Criminal Revision Cases are allowed

and the common order passed by the Lower Court in Cr.M.P. Nos.833, 854, 832 and 855 of 2015, dated 02.09.2015, is set aside and the orders granting bail/anticipatory bail by the Lower Court in Cr.M.P.Nos.698 and 701 of 2015, dated 13.07.2015 and 16.07.2015, stand restored. It is made clear that since, it is represented that the accused have already executed the bond, they need not execute bond again. The condition imposed directing the accused to appear before the Kayarlapath Police Station twice at morning 10.00 a.m. and evening 5.00 p.m., until further orders, is modified directing all the accused to appear before the said Police Station daily at 10.00 a.m., for a period of two weeks from the date of receipt of a copy of this order, without fail, failing which, the bail/anticipatory bail granted to accused shall stand automatically cancelled and they will be arrested. Consequently, connected Miscellaneous Petitions are closed.

paa

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Sub-Inspector of Police
Kayarlapath Police Station
Ariyalur District

2.The Principal District & Sessions Judge,
Ariyalur.

+ 2 ccs to Mr.G.Ramakrishnan, Advocate SRs 51296 & 51297

+ 1 cc to Mr.C.Prabakaran, Advocate SR 51324

bvr(co)
prk25/9

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