

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.18067 of 2015

1.M.Karthi Anandan
2.Palanisamy

... Petitioners/Accused.

Vs

State by,
The Inspector of Police,
P.E.W.Perur (Pollachi Unit),
Pollachi,
Coimbatore District.

... Respondent/Complainant.

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order made in C.M.P.No.1427 of 2015 in C.M.P.No.762 of 2015 in Cr.No.121 of 2015 dated 1.6.2015 on the file of the learned Principal District and Sessions Judge, Coimbatore and modified the condition imposed in the anticipatory bail.

For Petitioners : Mr.C.Veeraraghavan

For Respondents : Mr.M.Mohamed Riyaz,
Govt. Advocate (Crl. Side)

ORDER

The present criminal original petition has been filed by the petitioners to set aside the order made in C.M.P.No.1427 of 2015 in C.M.P.No.762 of 2015 in Cr.No.121 of 2015 dated 1.6.2015 on the file of the learned Principal District and Sessions Judge, Coimbatore and to modify the condition imposed in the anticipatory bail.

2. It is the case of the petitioners that they are the accused in Crime No.121 of 2015 for the alleged offence under Section 4(i)(c) 24 of TNP Act in Crime No.121 of 2015 on the file of the respondent police. They moved a petition for anticipatory bail before the learned Principal District and sessions Judge, Coimbatore in C.M.P.No.762 of 2015 and the learned Principal District and sessions Judge, Coimbatore granted anticipatory bail to the petitioners vide order dated 25.3.2015. While granting anticipatory bail to the petitioners, the learned Principal District and sessions Judge, Coimbatore has imposed a condition stating that petitioners

herein shall surrender before the learned Judicial Magistrate No.II, Pollachi, on or before 8.4.2015, failing which the petition shall stand dismissed automatically and on such arrest or surrender, the petitioners shall execute a bond for a sum of Rs.10,000/- each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Pollachi. Since the first petitioner met with an accident, the petitioners were not in a position to surrender before the learned Judicial Magistrate No.II, Pollachi on or before 8.4.2015 and hence, they were also unable to comply with the condition imposed by the learned Principal District and sessions Judge, Coimbatore. Thereafter, the petitioners filed a petition in C.M.P.No.1427 of 2015 for extension of time to furnish sureties. But, the said petition was dismissed by the learned Principal District and sessions Judge, Coimbatore stating that at the time of the granting anticipatory bail, it has been specifically stated in the said order that on failure of the petitioners to comply with any of the conditions imposed in the anticipatory bail order, the petition shall stand automatically dismissed. Since the petitioners have failed to comply with the condition on or before 8.4.2015, the question of extension of time does not arise and hence, the learned Judge dismissed the petition. Aggrieved over the same, the present criminal original petition has been filed.

3. Learned counsel appearing for the petitioners has relied upon the decision of this Court in the case of Jayaprakash v. State, rep. by the Station House Officer, Thirukanour Police Station, Puducherry reported in 2015 (1) MWN (Cr.) 518, wherein, the learned single Judge of this Court has held that the condition to surrender and produce sureties within 15 days is a procedural matter and not prescribed in Code and it is a self-created procedure of the Court and such conditions are non-essential features of order granting anticipatory bail. Therefore, Courts have the power to extend the surrender period / date. For the same proposition, the learned counsel appearing for the petitioners has also relied upon the decision of this Court in the case of P.Kala v. State, rep. by the Inspector of Police, Tiruppur District reported in (2013) 4 M.L.J. (Cr1) 367.

4. Keeping the dictum laid down in the above decisions, I am of the opinion, the petitioners are entitled for extension of time to comply with the conditional order passed by the learned Principal District and sessions Judge, Coimbatore in C.M.P.No.762 of 2015.

5. In fine, the order of the learned Principal District and Sessions Judge, Coimbatore dated 1.6.2015 made in C.M.P.No.1427 of 2015 is set aside and the petitioners are granted two weeks time from

today to comply with the conditions imposed by the learned Principal District and sessions Judge, Coimbatore in C.M.P.No.762 of 2015 dated 25.3.2015 and the criminal original petition is ordered accordingly.

sbi

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Principal District and Sessions Judge,
Coimbatore.
2. The Inspector of Police,
P.E.W.Perur (Pollachi Unit),
Pollachi,
Coimbatore District.
3. The Public Prosecutor,
High Court, Chennai.

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Cr1.O.P.No.18067 of 2015

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