

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27346 of 2015

Palanivel

.. Petitioner/Accused

..vs..

State by

The Inspector of Police,

Railway Police Station (RPF)

Dharmapuri District.Cr.No.554/2015

..Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to set aside the order passed in C.M.P.No.2001 of 2015 in Cr.M.P.No.1871 of 2015 in Cr.No.554 of 2015, dated 14.10.2015 on the file of the Principal District and Sessions Judge, Dharmapuri and thereby extend time to comply with the condition imposed in Anticipatory Bail in Cr.M.P.No.1871 of 2015 on the file of the Principal District and Sessions Judge, Dharmapuri.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner seeks to set aside the order passed in C.M.P.No.2001 of 2015 in Cr.M.P.No.1871 of 2015 in Cr.No.554 of 2015, dated 14.10.2015 on the file of the Principal District and Sessions Judge, Dharmapuri and thereby extend time to comply with the condition imposed in Cr.M.P.No.1871 of 2015 on the file of the Principal District and Sessions Judge, Dharmapuri.

2. Heard both sides.

3. In the affidavit filed by the petitioner, it is stated that the petitioner was granted bail on 30.09.2015 in Cr.M.P.No.1871 of 2015 by the Principal District and Sessions Judge, Dharmapuri on the following conditions:

"1. The petitioner shall surrender before the concerned court within ten days from today without fail.

2. The petitioner shall deposit Rs.2,500/- into the court.

3. After release, the petitioner shall appear and sign before the respondent/police daily at 10.00 a.m. until further orders.

4. The petitioner shall not tamper the witnesses or in any manner interfere with or cause hindrance to the investigation."

4. It is the case of the petitioner that due to his ill health, he is unable to submit the surety in time before the Trial Court, as per the above order. Therefore, he approached the Principal District and Sessions Judge, Dharmapuri and moved Cr.M.P.No.2001 of 2015 and sought extension of time to comply with the condition imposed in the Anticipatory Bail order. But, the same was dismissed vide order dated 14.10.2015 by the Principal District and Sessions Judge, Dharmapuri on the ground that he has not moved the application in time and that there is a delay of two days. Therefore, the petitioner is before this Court with this petition seeking to set aside the order dated 14.10.2015 passed in C.M.P.No.2001 of 2015 in Cr.M.P.No.1871 of 2015 in Cr.No.554 of 2015 on the file of the Principal District and Sessions Judge, Dharmapuri that the delay of two days in approaching the Court seeking extension of time is only due to his ill health.

5. It is seen that there is a delay of two days on the part of the petitioner in approaching the Principal District and Sessions Judge, Dharmapuri seeking extension of time, which is due to his ill-health. Hence, I am of the opinion that the prayer in this petition can be entertained. Accordingly, the order dated 14.10.2015 passed by the Principal District and Sessions Judge, Dharmapuri in C.M.P.No.2001 of 2015 in Cr.M.P.No.1871 of 2015 in Cr.No.554 of 2015 is set aside. The petitioner is directed to execute the surety within a period of two weeks before the Trial Court and he is directed to surrender before the Trial Court within a period of two weeks and comply with the conditions already imposed by the Court below.

This Criminal Original Petition is allowed with the above direction.

sd/

ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To :

1. The Inspector of Police,
Railway Police Station (RPF)
Dharmapuri District.
2. The Public Prosecutor
High Court of Madras,
Chennai.

+1 CC to MR.R.Marudhachalamurthy Advocate. SR.NO. 61489

CrI.O.P.No.27346 of 2015

CO-BVR
JD 06/11/2015



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