

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2015

Coram

The Honourable Mr. Justice B.RAJENDRAN

Criminal Original Petition No. 28641 of 2015

1. Senthil Kumar
2. Mrs. S. Subhaselvam

.. Petitioners/A4 & A5

Versus

State through
Inspector of Police
T-14, Mangadu Police Station
Mangadu, Chennai

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to relax the bail conditions passed in CMP No. 1782 of 2015 by the Hon'ble Sessions Court No.II, Kancheepuram dated 23.11.2015.

For Petitioner : Mr. P. Palaninathan
For respondent : Mr. K. Prabakar
Govt. Advocate (Crl.side)

ORDER

The petitioners are arrayed as A4 and A5 in Crime No. 991 of 2015 on the file of the respondent police for the offences punishable under Sections 294 (b), 493, 313 and 506 (i) of IPC. on the basis of the complaint given by the defacto complainant that the first accused had love affairs with her and in the guise of marriage, he had sexual intercourse with her during the year 2009. According to the defacto complainant, due to such physical relationship, she became pregnant and at the instigation of the accused the pregnancy was aborted. As the first accused refused to marry her, which was abetted by the other accused, who are his parents, the complaint was given by the defacto complainant. Upon registration of the case, the petitioners were arrested and remanded to judicial custody on 22.10.2015 by the learned Judicial Magistrate, Sriperumbadur. On arrest, the petitioners filed CMP No. 1680 of 2015 before the learned Sessions Court No.III, Kancheepuram. The learned Sessions Judge granted bail to the petitioners on 02.11.2015 subject to the condition that the petitioners execute a bond for a sum of Rs.10,000/- with two sureties for like sum to the satisfaction of the learned District Munsif cum Judicial

Magistrate, Sriperumbadur and on further condition that they shall appear before the respondent police daily at 10.00 am and sign for 30 days.

2. According to the learned counsel for the petitioners, the petitioners have complied with the condition relating to execution of bond and they are also regularly appearing before the respondent police from 04.11.2015. Due to incessant rain and flooding in and around the locality, the petitioners could not appear before the respondent thereafter. Further, the petitioners have five year old child to be looked after. The fact remains that the petitioners have appeared before the respondent police for 18 days. The petitioners therefore filed C.M.P. No. 1782 of 2015 before the Sessions Court No.II, Kancheepuram for relaxing the condition, however, it was dismissed. Therefore, the petitioners have come forward with this petition.

3. The learned Government Advocate (Crl.side), on instructions, submitted that the petitioners have appeared before the respondent police for a period of three weeks.

4. Having regard to the fact that the petitioners have appeared before the respondent police and complied with the second condition imposed by the learned Sessions Judge for a period of three weeks, I am inclined to relax the bail conditions imposed in the order dated 23.11.2015 in CMP No. 1782 of 2015 on the file of the Sessions Court No.II, Kancheepuram.

5. Accordingly, the order dated 23.11.2015 in CMP No. 1782 of 2015 on the file of the Sessions Court No.II, Kancheepuram is set aside and this Criminal Original Petition is allowed. Consequently CMP No. 1782 of 2015 stands allowed and the conditions imposed in the order dated 02.11.2015 in CMP No. 1680 of 2015 are relaxed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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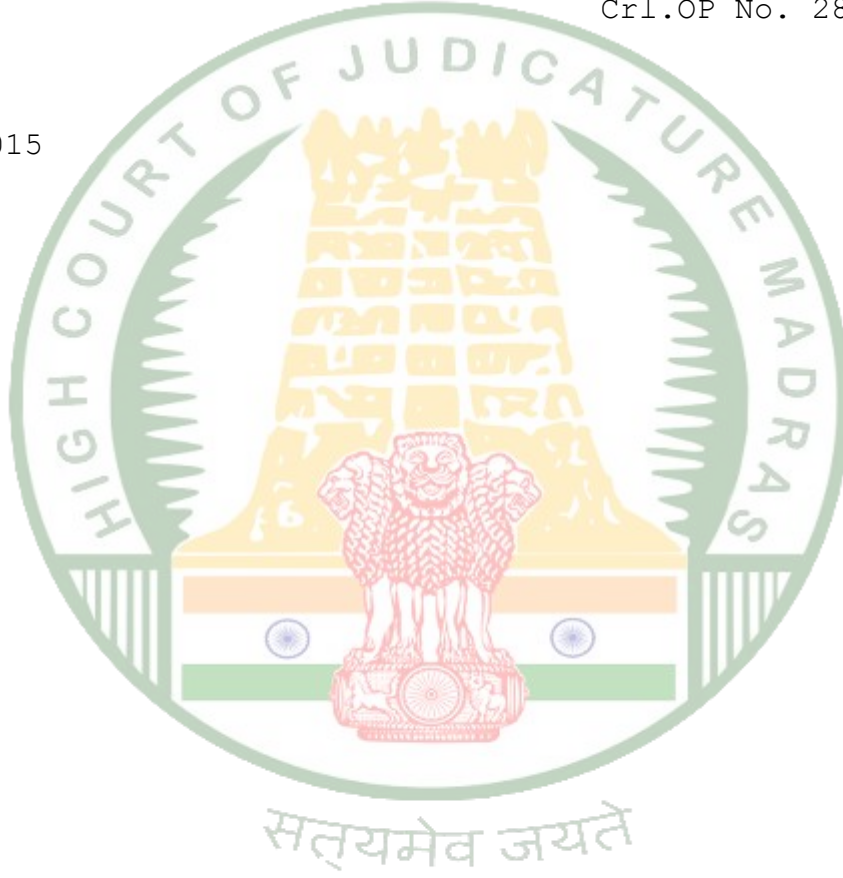
1.The Sessions Judge No.II
Kancheepuram

2.The Inspector of police,
T-14 Mangadu Police Station,
Mangadu Chennai

3.The Public Prosecutor High Court Madras

Crl.OP No. 28641 of 2015

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