

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.12.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI**Cr1.O.P(MD)No.22595 of 2015**

V.Chinniah : Petitioner/Petitioner/Accused No.4

Vs.

Sate through
The Sub-Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
(Crime NO.115 of 2015)

: Respondent/Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 439(1) (b) of the Criminal Procedure Code praying to enlarge the petitioner on regular bail by setting aside the condition imposed in Cr.M.P.NO.6284 of 2015, on the file of the learned Principal Sessions Judge, Virudhunagar District at Srivilliputtur dated 30.10.2015 to surrender before the learned Judicial Magistrate No.1, Srivilliputtur.

For Petitioner : Mr.S.Ravi

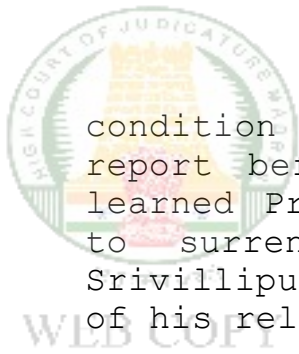
For Respondent : Mr.K.Anbarasan
Government Advocate (Cr1.side).

O R D E R

The petitioner, who is arrayed as Accused No.4 in Cr.No.115 of 2015, for the alleged offences under Sections 406 and 420 I.P.C., has come forward with this Criminal Original Petition praying to enlarge the petitioner on regular bail by setting aside the condition imposed in Cr.M.P.No.6284 of 2015, on the file of the learned Principal Sessions Judge, Virudhunagar District at Srivilliputtur dated 30.10.2015 to surrender before the learned Judicial Magistrate No.1, Srivilliputtur.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Cr1.Side) appearing for the respondent.

3.The learned Principal Sessions Judge, Srivilliputtur, by order dated 30.10.2015, granted interim bail to the petitioner for a period of three weeks, on his executing a bond for Rs.5,000/- with two sureties for like sum each to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputtur and on further



condition that the accused, after being released on bail, should report before the respondent police daily at 05.00 p.m. The learned Principal Sessions Judge further directed the petitioner to surrender before the learned Judicial Magistrate No.I, Srivilliputtur after completion of three weeks time from the date of his release.

4. Challenging the said order, the petitioner has filed this Criminal Original Petition stating that the petitioner has been granted regular bail and therefore, the order of the learned Principal Sessions Judge, dated 30.10.2015 by directing the petitioner to surrender before the learned Judicial Magistrate No.I, Srivilliputtur after completion of three weeks time from the date of his release, without giving the date of next hearing is erroneous and hence, he seeks setting aside the condition imposed by the learned Principal Sessions Judge.

5. A reading of the order dated 30.10.2015 passed by the learned Principal Sessions Judge, Srivilliputtur would clearly reveal that the petitioner was granted only interim bail for a period of three weeks. It was made clear in the said order that the petitioner must surrender before the learned Judicial Magistrate No.I, Srivilliputtur after completion of three weeks time from the date of his release. Therefore the contention raised by the learned Counsel for the petitioner is untenable and there is no reason to set aside the order passed by the learned Principal Sessions Judge, Srivilliputhur except to the extent that the petitioner is directed to surrender before the learned Principal Sessions Judge, Srivilliputhur instead of the learned Judicial Magistrate No.I, Srivilliputhur. Accordingly, the petitioner is directed to surrender before the learned Principal Sessions Judge, Srivilliputhur within a period of two weeks from the date of receipt of a copy of this order. After such surrender, the learned Principal Sessions Judge, Srivilliputhur is directed to consider the bail application filed by the petitioner and pass orders on merits.

6. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai

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To

<https://hcservices.hc.madras.gov.in/csp/csp>
The Principal Sessions Court, Virudhunagar District
at Srivilliputhur.



2. The Judicial Magistrate NO.I,
Srivilliputhur.

3. The Sub-Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.J.Anandakumar, Advocate, SR No.71104

CrI.O.P (MD) No.22595 of 2015
10.12.2015

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