



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.04.2015
CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P.(MD)No.6792 of 2015
and M.P.(MD) No.1 of 2015

1.Saravana @ Payasam
2.Selvakumar @ Selva
3.Paramasakthi

.. Petitioners

.. Vs ..

The State rep. by its,
Inspector of Police,
Town Police Station,
Tirunelveli.

.. Respondent

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to set aside the order passed by the learned Sessions Judge, Tirunelveli in Cr.M.P.No.237 of 2015 dated 12.03.2015.

For Petitioner : Mr.D.Selvanayagam
For Respondent : Mr.K.Anbarasan
Government Advocate(Crl. Side)

- - - - -
O R D E R

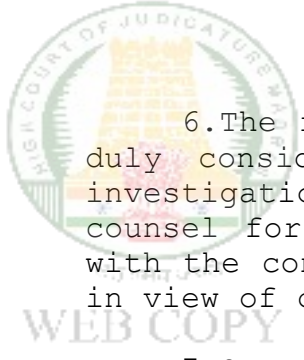
This petition has been filed to set aside the order passed by the learned Sessions Judge, Tirunelveli in Cr.M.P.No.237 of 2015 dated 12.03.2015.

2.Heard learned counsel for the petitioner and learned Government Advocate (Criminal side) for respondent.

3.The petitioners are accused Nos.3 to 5 in Crime No.574 of 2014 on the file of the respondent police. The investigation in that case has already been over. The petitioners were granted bail earlier. An application was filed by the respondent seeking to cancel the bail on the ground that the petitioners have not complied with the condition imposed i.e., to appear before the respondent police. The Court of Sessions was pleased to allow the petition on the ground that the petitioners have not complied with the condition imposed. Aggrieved over the same, the present petition has been filed.

4.Learned counsel for the petitioner would submit that the petitioners could not appear before the respondent police due to life threat from the family of deceased. Though the said fact has been placed before the Sessions Court, the same has not been considered.

5.Learned Government Advocate submitted that if that is the case the petitioners could have sought for modification of the order, which was not done.



6.The fact remains that the petitioners have been granted bail after duly considering the materials available on record. Admittedly, the investigation is over. The matter is pending before the Court. Learned counsel for the petitioner also states that the petitioner would comply with the condition with any other police other than the respondent police in view of continuous life threat.

7.Considering the above, the Criminal Original Petition is allowed and the order of the Sessions Judge, Tirunelveli in Cr.M.P.No.237 of 2015 dated 12.03.2015 is set aside on condition that the petitioners will have to stay at Madurai and report before the Tallakulam Police Station daily at 10.00 a.m. for a period of two weeks commencing from 14.04.2015. Thereafter, they have to appear before the jurisdictional Court on hearing dates without fail.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

1. THE SESSIONS JUDGE, TIRUNELVELI

2. THE INSPECTOR OF POLICE
TOWN POLICE STATION, TIRUNELVELI CITY.

3. THE INSPECTOR OF POLICE, TALLAKULAM POLICE STATION, MADURAI

4.THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc TO MR.D.SELVANAYAGAM, ADVOCATE SR.NO.18369

CRL.O.P. (MD) No.6792 of 2015
and M.P. (MD) No.1 of 2015
10.04.2015

SJ

NA/10/04/2015/P2/6C