

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.737 of 2016

and

Crl.MP.No.5547 of 2016

1.Arasan
2.Sathiyaraj
3.Pandiyaraj
4.Thangarasu
5.Kaliyan

... Petitioners

Vs.

State rep by the
The Inspector of Police,
Thoothur Police Station,
Ariyalur District
Crime No.86 of 2015.

... Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 26.04.2015 made in Crl.M.P.No.282 of 2016 on the file of the Principal District and Sessions Court, Ariyalur modify the condition imposed on 25.11.2015 made in CMP.No.1242 of 2015 to the effect that to waive the condition to deposit of Rs.5,000/- each on the petitioners.

For Petitioners : M/s.C.Prabakaran

For Respondent : Mr.M.Mohamed Riyaz,
Govt.Advocate (Crl.side)

ORDER

The criminal revision petition is directed against the order dated 26.04.2015 made in Crl.M.P.No.282 of 2016 and to modify the condition imposed on 25.11.2015 made in CMP.No.1242 of 2015 on the file of the Principal District and Sessions Court, Ariyalur.

2.The learned counsel for the petitioners submitted that in Crl.MP.No.1242 of 2015 anticipatory bail was granted by the

Principal District and Sessions Court, Ariyalur with a condition that the petitioners shall deposit a sum of Rs.5,000/- each and further directed the petitioners to surrender before the Judicial Magistrate, Jayankondam on or before 09.12.2015. It is further submitted that the petitioners have not surrendered and complied the above said order, but, preferred Cr.MP.No.10 of 2016, with a request to extend the time. The defacto complainant entered appearance and objected the petition for extension of time, stating that he is under threat. The trial Court, by an order dated 28.01.2016, extended the time for surrendering till 05.02.2016 and directed the petitioners to appear before the Judicial Magistrate No.I, Trichy instead of surrendering before the Judicial Magistrate, Jayankondam and modified the order dated 25.11.2015. Challenging the said order, the petitioners preferred CrI.RC.No.609 of 2016 before this Court and the same was not pressed by the petitioners on 07.04.2016.

3. Thereafter, the petitioners filed Cr.MP.No.282 of 2016 before the learned Principal District and Sessions Judge, Ariyalur, seeking for modification by extending the time for surrendering and waiver of deposit amount. The trial Court, while dismissing the petition for extension of time and waiver of deposit, ordered to cancel the bail granted to the petitioners in Cr.MP.No.1242 of 2015.

4. In this Case, the trial Court already granted anticipatory bail to the petitioners on condition to deposit a sum of Rs.5,000/- each and to appear before the learned Judicial Magistrate, Jayankondam. The petitioners failed to comply with the said order and they have filed one after other applications for extension of time to surrender and for waiver of deposit amount.

5. Considering the facts and circumstances, at the time of granting anticipatory bail, the trial court directed the petitioners to deposit Rs.5,000/- each, the said order cannot be modified at this stage. The criminal revision deserves to be dismissed and the petitioners are not entitled to the relief granted by the trial Court.

6. At this stage, the learned counsel for the petitioner would submit that the petitioners are ready to obey the conditions given in the earlier order made in Cr.MP.No.1242 of 2015 and pleaded to set aside the order of cancellation of anticipatory bail granted to the petitioners in Cr.MP.282 of 2016.

7. In view of the undertaking given by the learned counsel for the petitioners, this Court is inclined to set aside the order dated 26.04.2016 made in Cr.MP.No.282 of 2016 and directed to restore the anticipatory bail granted to the petitioners in Cr.MP.No.1242 of 2015 dated 12.11.2015.

8. With the above observations, this criminal revision petition is allowed, by setting aside the order dated 26.04.2016 made in Cr.MP.No.282 of 2016 and by restoring the order dated 25.11.2015 made in Cr.MP.No.1242 of 2015 without any modifications, the petitioners are directed to surrender within a period of two weeks from the date of receipt of a copy of this order, failing which the anticipatory bail granted in Cr.MP.No.1242 of 2015 dated 25.11.2015 shall stand dismissed without any further reference to the Court. Consequently, connected miscellaneous petition is closed.
tsh

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge, Ariyalur.
2. The Public Prosecutor, High Court, Madras.
3. The Sub Inspector of Police, Thoothur Police Station, Ariyalur District. Crime No.86 of 2015.

+ 1 cc to M/s.C.Prabakaran, Advocate Sr 33968

KR/5/7/16

Cr1.R.C.No.737 of 2016

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