

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.21786 of 2016

1.S.Apshal Basha
2.I.Thakir Basha
3.A.Athik Basha
4.S.Prithosh Basha

.. Petitioners

Vs

State Rep.by
the Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.471 of 2015)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 26.07.2016 passed in Crl.M.P.No.684 of 2016 on the file of Principal District and Sessions Court at Dharmapuri.

For Petitioner : Mr.K.Suthan

For Respondent :Mr.B.Ramesh Babu
Government Advocate

ORDER

This Criminal Original Petition has been filed to set aside the order dated 26.07.2016 passed in Crl.M.P.No.684 of 2016 on the file of Principal District and Sessions Court at Dharmapuri.

2. The learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondent.

3. It is seen that these petitioners are involved in Crime No.471 of 2015 for offences under Sections 21 MM Act r/w 379, 307 IPC. They were arrested on 17.12.2015 and they were released on bail by the Principal District and Sessions Judge, Dharmapuri in Cr.M.P.No.2422 of 2015 on 04.01.2016 on condition that after release, the petitioners shall appear and sign before the respondent police daily at 10.00 a.m., until further orders.

4. Thereafter, the petitioners filed an application in Crl.M.P.No.371 of 2016 for relaxation of the bail condition, which was dismissed by the Principal District and Sessions Judge, Dharmapuri on 12.02.2016 on the ground that they did not comply with the conditional bail order passed by the Sessions

Court and therefore, there is no modification in Crl.M.P.No.371 of 2016 for relaxation of the conditional bail order.

5. Notice was ordered to the petitioners in Crl.M.P. No. 684 of 2016, which was filed to cancel the bail granted to the petitioners, but the same was returned on the ground that the petitioners were not in the address, which was given by them, to the Court below. Thereafter, the bail was cancelled by the impugned order dated 26.07.2016 in Crl.M.P.No.684 of 2016, challenging which, the petitioners are before this Court.

6. The learned counsel appearing for the petitioners submitted that the petitioners are involved in Mines and Minerals offences, but, in the incident, nobody was injured. He further contended that even according to the prosecution, the petitioners appeared before the investigating officer for 13 days.

7. This Court gave its anxious consideration to the rival submissions.

8. The fact remains that the Principal District and Sessions Court granted bail to the petitioners on certain conditions which they did not comply. Under such circumstances, this is not a fit case to interfere with the orders passed by the Sessions Court, Dharmapuri. However, the petitioners are directed to surrender before the Court and file bail application and on such application being filed, the same shall be considered sympathetically by the Principals District and Sessions Judge, Dharmapuri.

With the above directions, the criminal original petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sms

To

1. The Principal District and Sessions Court,
Dharmapuri.

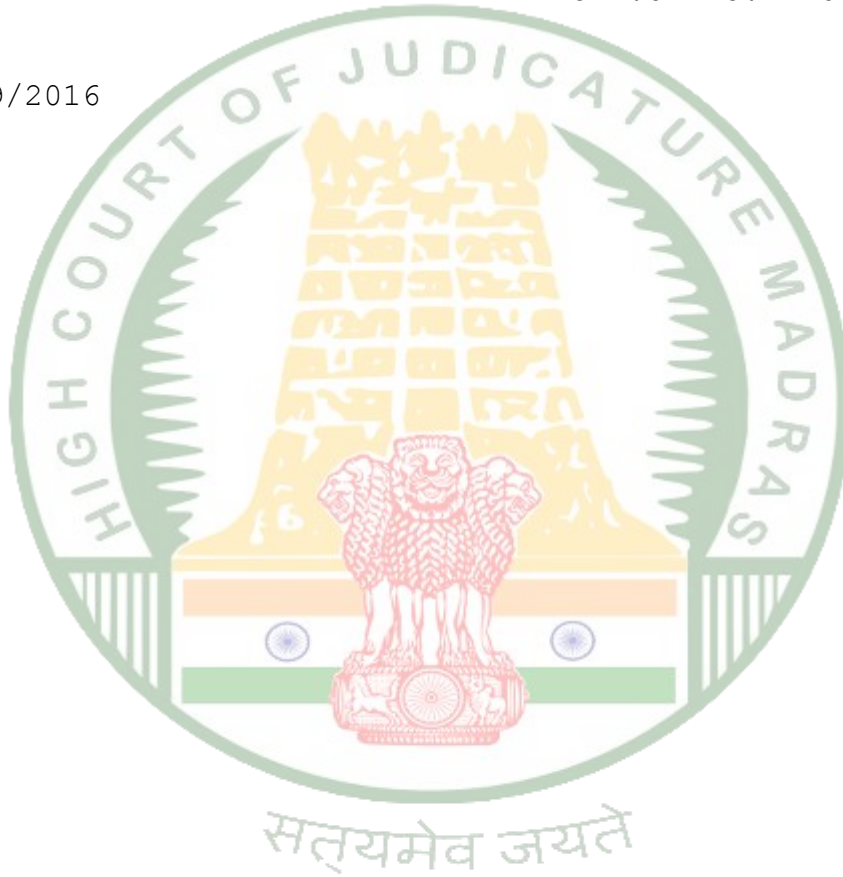
2. The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. K. Suthan, Advocate Sr.No.16743

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MSM (CO)
MD : 27/09/2016



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