

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.8864 of 2016

1.Saran
2.Ranjith
3.Suresh
4.Vimalraj

... Petitioners

Vs.

State, Rep. by
Station House Officer,
Kirumampakkam Police Station,
Puducherry .
(Cr.No.24 OF 2016)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to the orders passed in Crl.M.P.No.445 of 2016 dated 28.3.2016 on the file of the Principal Sessions Judge, Puducherry and set aside the same.

For Petitioner : Mr.Om Sai Ram

For Respondent : Mr.A.Tamilvanan
Government Advocate [Pondy]

O R D E R

The case of the petitioners is that the petitioners, who are daily wage earners, have moved an anticipatory bail in Crl.M.P.No.322 of 2016 on the file of the Principal Sessions Judge, Puducherry. Anticipatory bail was granted to the petitioners with a condition that the petitioners 1 & 2 should sign daily before the Station House Officer, Yanam and the petitioners 3 & 4 before the Station House Officer, Mahe.

2. Aggrieved by the condition imposed, the petitioners moved before this Court in Crl.O.P.No.5125 of 2016 and this Court by an order dated 08.03.2016, modified the condition that, they shall sign before the learned Judicial Magistrate No.I, Cuddalore, daily at 10.00. a.m. for a period of 30 days. The

petitioners moved a petition to extend the time in Crl.M.P.No.445 of 2016 before the Principal Sessions Judge, Puducherry, on the ground that they could not procure the necessary sureties. The Principal Sessions Judge, Puducherry, dismissed the said petition and also cancelled the bail granted in Crl.M.P.No.322 of 2016 . Hence, the petitioners are before this Court.

3. Heard the learned counsel for the petitioners and perused the material documents.

4. A perusal of the case records discloses that since these petitioners were not in a position to execute the sureties as ordered by the Court below, the learned Judicial Magistrate has cancelled the bail granted to them, which cannot be found fault with by this Court.

5. However, taking into consideration of the fact that the petitioners are daily wage employees and the reason stated for non execution of sureties is also bonafide, in the interest of justice and in order to give one more opportunity to the petitioners to execute the surety, the order passed by the learned Principal Sessions Judge, Puducherry in Crl.M.P.No.445 of 2016, cancelling the bail is set aside and the petitioner is directed to appear before the learned Judicial Magistrate concerned within a period of two weeks from the date of receipt of a copy of this order and execute the sureties as directed by the learned Principal Sessions Judge, Puducherry in Crl.M.P.No.322 of 2016, dated 26.02.2016.

6. With the aforesaid directions, this Criminal Original Petition stands disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp/nvi

To

1. The Station House Officer,
Kirumampakkam Police Station, Puducherry .

2. The Public Prosecutor,
High Court of Madras, Chennai.

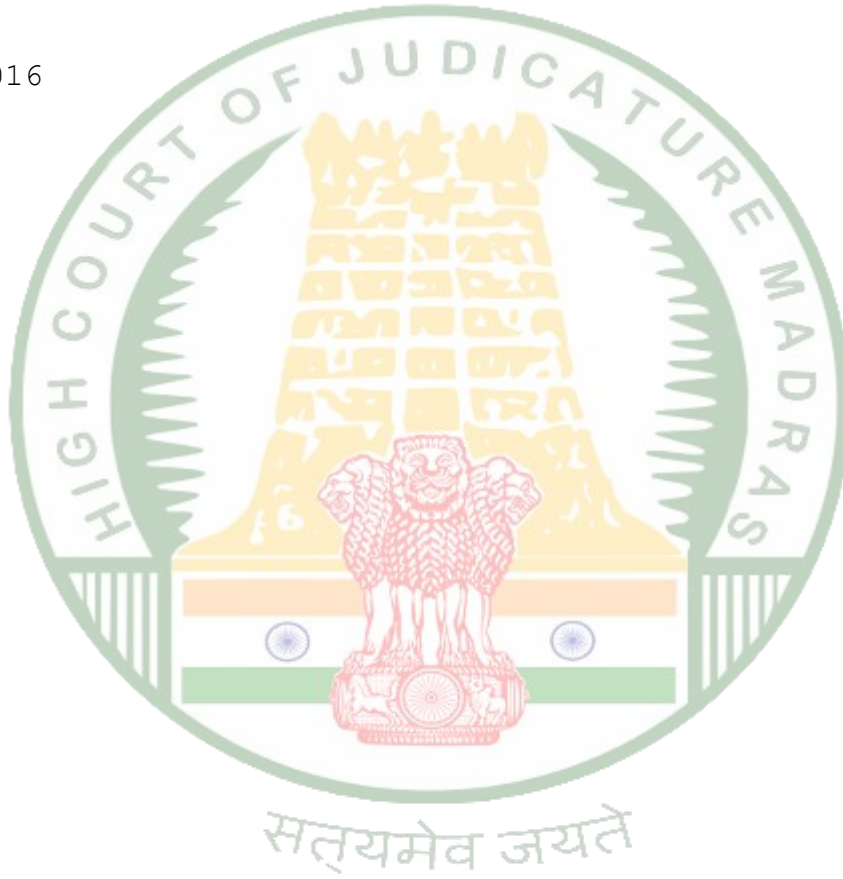
WEB COPY

3. The Principal Sessions Judge
Puducherry

4. The Judicial Magistrate No.I
Cuddalore

Cr1.O.P.No.8864 of 2016

nr(co)
aa18/05/2016



WEB COPY