



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL MP(MD) No.2382 & 2383 of 2016

&

CRL MP(MD) No.1861 & 1862 of 2016

IN

CRL OP(MD) No.10958 & 11308 of 2015

THE STATE REPRESENTED BY

THE INSPECTOR OF POLICE

C1 THIDEERNAGAR POLICE STATION (L&O)

1/C - C2, SUBRAMANIPURAM POLICE STATION (L & O),

MADURAI CITY.

... PETITIONER/RESPONDENT/COMPLAINANT

IN CRL MP(MD)NO.2382/2016 IN CRL OP(MD) NO.10958/2015

IN CRL MP(MD)NO.2383/2016 IN CRL OP(MD) NO.11308/2015

MUTHU RAHMAN

.. PETITIONER/ACCUSED RANK NOT KNOWN

IN CRL MP(MD)NO.1861/2016 IN CRL OP(MD)NO.10958/2015

K.S.ABDUR RAHMAN

S.YUSUF ALI

R.RAHMATHULLAH

PAKKIR BABU 2 ALTHAFI

.. PETITIONERS/ACCUSED RANK NOT KNOWN

IN CRL MP(MD)NO.1862/2016 IN CRL OP(MD)NO.11308/2015

Vs

MUTHU RAHMAN

... RESPONDENT/PETITIONER/ACCUSED NO.1

IN CRL MP(MD)NO.2382/2016 IN CRL OP(MD)NO.10958/2015

K.S.ABDUR RAHMAN

S.YUSUF ALI

R.RAHMATHULLAH

PAKKIR BABU @ ALTHAFI

.. RESPONDENTS/ACCUSED NO.4,2,3 AND 6

IN CRL MP(MD)NO.2383/2016 IN CRL OP(MD)NO.11308/2015

THE STATE REPRESENTED BY

THE INSPECTOR OF POLICE

C2, SUBRAMANIPURAM (LAW AND ORDER) POLICE STATION,

MADURAI

CRIME NO.611/2015

.. RESPONDENT/COMPLAINANT

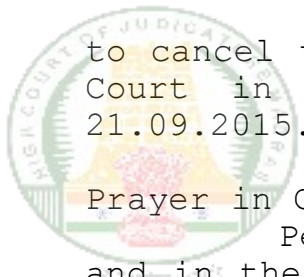
IN CRL MP(MD)NO.1861/2016 IN CRL OP(MD)NO.10958/2015

IN CRL MP(MD)NO.1862/2016 IN CRL OP(MD)NO.11308/2015

PRAYER IN CRL MP(MD)NO.2382/2016 IN CRL OP(MD)NO.10958/2015 :

<https://hcservices.ecourts.gov.in/hcservices/>

Petition praying that in the circumstances stated therein
and in the petition filed therewith the High Court will be pleased



to cancel the order of anticipatory bail granted by this Honourable Court in Crl.O.P.(MD) No.10958 of 2015 vide its order dated 21.09.2015.

Prayer in CRL MP(MD). 2383/ 2016 IN CRL OP(MD)NO.11308/2015 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to cancel the order of Anticipatory Bail granted by this Honourable Court in Crl.O.P.(MD) No. 11308 of 2015 vide its order dated 21.09.2015

Prayer in CRL MP(MD). 1861/ 2016 IN CRL OP(MD)NO.10958/2015 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the order of this Honourable Court in Crl.O.P.(MD) No. 10958 of 2015 dated 21.08.2015 and to relax the condition totally

Prayer in CRL MP(MD). 1862/ 2016 IN CRL OP(MD)NO.11308/2015 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the order of this Honourable Court in Crl.O.P.(MD) No. 11308 of 2015 dated 21.08.2015 and to relax the condition totally

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.K.ANBARASAN, Government Advocate for the Petitioner in CRL MP(MD) NO.2382 & 2383/2016 IN CRL OP(MD)NO.10958, 11308/2015 and Respondent in CRL MP(MD)NO.1861 & 1862/2016 IN CRL OP(MD)NO.10958, 11308/2015 and MR.S.M.AJINNAH, Advocate for the Respondent in CRL MP(MD)NO.2382 & 2383/2016 IN CRL OP(MD)NO.10958, 11308/2015 and Petitioners in CRL MP(MD)NO.1861 & 1862/2016 IN CRL OP(MD)NO.10958, 11308/2015 the court made the following order:-

These petitions have been filed by the petitioner to cancel the anticipatory bail granted by this Court to the respondents/accused, vide order dated 21.09.2015, in Crl.O.P.(MD)Nos.10958 and 11308 of 2015.

2. The respondents/accused were charged for the offences punishable under Sections 153, 188, 189, 294(b) and 506(ii) read with Section 109 IPC., for conducting demonstration violating the permission granted and also abusing the Police Officials in filthy language. The respondents filed Crl.O.P.(MD)Nos.10958 and 11308 of 2015 for anticipatory bail and also filed an affidavit of undertaking. This Court, by order dated 21.09.2015, granted anticipatory bail to them on the following conditions:

"6. Considering the submission of the learned counsel for the petitioners and the affidavit of undertaking dated 18.06.2015, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-IV, Madurai, and on each of them executing a bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties



each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners in both the Crl.O.Ps. (except the 3rd petitioner in Crl.O.P.(MD)No.11308 of 2015) shall appear before the respondent police daily at 10.00 a.m. for a period of one week and thereafter, as and when required for interrogation. The third petitioner in Crl.O.P.(MD)No.11308 of 2015 being lady shall appear before the respondent police as and when required for interrogation. Further, the petitioners shall not indulge in similar offence in future. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously."

3. According to the petitioner/police, the respondents did not appear before them even a single day, as per the conditional order passed by this Court and thereby violated the condition imposed by this Court. Therefore, the petitioner/police could not proceed with the investigation and hence, prayed for cancellation of anticipatory bail granted to the respondents.

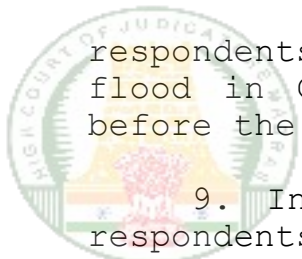
4. The respondents have filed Crl.M.P.(MD)No.1861 of 2016 in Crl.O.P.(MD)No.10958 of 2015 and Crl.M.P.(MD)No.1862 of 2016 in Crl.O.P.(MD)No.11308 of 2015, to modify the order dated 21.09.2015, passed in Crl.O.P.(MD)Nos.10958 and 11308 of 2015 and relax the condition totally.

5. According to the respondents, they filed a quash petition before this Court in Crl.O.P.(MD)No.12409 of 2015. This Court granted an interim order for a period of eight weeks directing the petitioner/ police not to file a final report. Subsequently, on 28.01.2016, this Court dismissed the said quash petition filed by the respondents. After dismissal of the quash petition, the respondents furnished sureties and also executed bail bonds, as ordered by this Court. Due to heavy rain in entire Chennai, the Association, to which the respondents belonged to, organized rescue operation, in which, the respondents also participated. Hence, they could not appear before the petitioner/police. Now, the petitioner/police completed the investigation and filed charge sheet and also filed status report before this Court.

6. The learned Government Advocate (Criminal side) appearing for the petitioner submitted that the reason given by the respondents is not valid and prayed for dismissal of both Crl.M.P. (MD)Nos.1861 and 1862 of 2016 and to cancel the anticipatory bail granted to them.

7. I have carefully considered the rival submissions advanced on either side.

8. From the materials available on record, it is seen that this Court directed the respondents to appear before the petitioner/police daily at 10.00 a.m., for a period of one week. The respondents even after dismissal of the quash petition, did not appear before the petitioner/police. The other reason that the



respondents were engaged in rescue operation during heavy rain and flood in Chennai, is not valid and acceptable for not appearing before the petitioner/police.

9. In view of the above facts and also the fact that the respondents have violated and failed to comply with the condition imposed by this Court, the anticipatory bail granted to them in Crl.O.P.(MD)Nos.10958 and 11308 of 2015, dated 21.09.2015, stands cancelled. Accordingly, Crl.M.P.(MD)Nos.2382 and 2383 of 2016 are allowed. In view of the cancellation of anticipatory bail, Crl.M.P.(MD)Nos.1861 and 1862 of 2016 filed by the respondents/accused, to modify the order dated 21.09.2015, passed in Crl.O.P.(MD)Nos.10958 and 11308 of 2015 and to relax the condition totally, are dismissed.

sd/-
18/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2
TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
C1 THIDEERNAGAR POLICE STATION (L&O),
1/C - C2, SUBRAMANIPURAM POLICE STATION (L & O),
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

CSL/AAL/MPA/SAR-I-29.7.16-4P-5C

ORDER
IN
CRL MP(MD) Nos.2382 & 2383 of 2016
& CRL MP(MD)Nos.1861 & 1862 OF 2016
IN
CRL OP(MD) Nos.10958 & 11358of 2015
Date :18/07/2016