



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2016

CORAM

THE HONOURABLE MR.JUSTICE DR.P.DEVADASS

Cr1.R.C. (MD) No.496 of 2016

1. Chithiraikumar
2. Muthukumar
3. Velmurugan
4. Sivanpandi @ Sivan Thevar

... Petitioners/Respondents/
Petitioners/Accused Nos.2,3,7 & 8

Vs.

The State represented by
the Inspector of Police,
Tactchanallur Police Station,
Tactchanallur,
Tirunelveli District.

... Respondent/Petitioner/
Respondent/Complainant

Prayer: Criminal Revision Petition is filed under Section 397 r/w. 401 of Cr.P.C., to call for the records connected with the order dated 14.07.2016 in Cr.M.P.No.2840 of 2016 and Cr.M.P.No.2841 of 2016 on the file of the Principal Sessions Court, Tirunelveli and set aside the same and consequently, to direct the respondent to grant bail to the petitioners within the time stipulated by this Court.

For Petitioners	:	Mr.R.Alagumani
For Respondent	:	Mrs.S.Prabha
		Govt. Advocate (Cr1.side)

O R D E R

Aggrieved by the cancellation of the bail granted to them by the learned Principal Sessions Judge, Tirunelveli, the petitioners have directed this revision.

2. The petitioners were concerned in a murder case in Crime No.73 of 2016 registered by Tactchanallur Police Station in Tirunelveli District. In Cr.M.P.Nos.1931 and 2242 of 2016, on 18.04.2016 and 29.04.2016, they were granted bail with a condition to appear before the Inspector of Police, Tactchanallur Police Station daily at 10.30 a.m. until further orders. They have executed the bail bonds and came out of jail.



3. Subsequently, the Inspector of Police, Tactchanallur Police Station filed petition under Section 439(2) Cr.P.C. to cancel the bail on the ground that they have not appeared before the police and not complied the bail condition.

4. The learned Principal Sessions Judge, Tirunelveli enquired the petition and allowed the petition. Consequently, the bail granted to them was cancelled by the learned Principal Sessions Judge. That is how, the petitioners are before us.

5. According to the learned counsel for the petitioners, at the behest of Periyasamy, the Inspector of Police in Tactchanallur Police Station, they were implicated in this case. Even one of the co-accused, who was granted bail, when he was released on Central Prison, Palayamkottai, he was arrested by the very same police, he was implicated in some cases and he was detained under Act No.14 of 1982. The said Inspector threatened the petitioners. In such circumstances, fearing reprisal from the said Inspector, they failed to comply the condition. Now, investigation has been completed and final report has also been filed. It has been taken cognizance by the learned Judicial Magistrate No.IV, Tirunelveli. The petitioners will regularly appear before the Court, they may be given an opportunity. The learned counsel for the petitioners also submitted that even before that, they have sent petitions to the State Home Secretary, D.G.P, I.G., South Zone, the Commissioner of Police, Tirunelveli City, making allegations as against the said inspector. Irked by this, the said Inspector is bent upon harassing them.

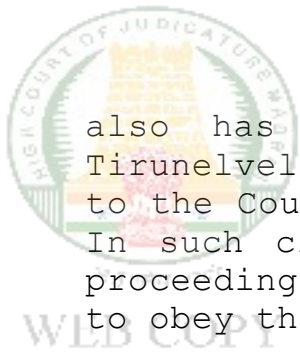
6. The learned Government Advocate (Crl.side) submitted that for their fault in not obeying the bail condition, the petitioners are putting the blame on the said Inspector. The Inspector denies that he had harassed them, threatened them, he is doing nothing more than investigating the case. To escape from their fault, they make false allegations. He is totally not aware of the petitions stated to have been sent by them to higher officials. Prosecution has completed its work in this case. Final report has also been filed before the committal Court.

7. I have anxiously considered the rival submissions, perused the materials on record and the impugned order.

8. The petitioners have got bail. Now they have lost it by the orders of the learned Principal Sessions Judge, Tirunelveli, on account of the fact that they have not obeyed the bail condition. We have perused the petitions sent by them to the higher officials on 21.04.2016. The postal acknowledgments for having sent the same have been received by the court. This is one aspect of the matter.

<https://hcrs.aadts.gov.in/services/>

9. Now, the investigation has been completed. Final report



also has been filed. The learned Judicial Magistrate No.IV, Tirunelveli took cognizance thereon. The case has to be committed to the Court of Sessions. These accused have to defend themselves. In such circumstances, in the criminal case, conducting further proceedings has to be facilitated. But at the same time, they have to obey the bail condition.

10. Considering all the above aspects, it is ordered as under:

(i) This revision is allowed.

(ii) The bail cancellation order of the learned Principal Sessions Judge, Tirunelveli passed in Cr.M.P.Nos.2840 and 2841 of 2016 dated 14.07.2016 is cancelled.

(iii) The bail granted to them earlier in Cr.M.P.Nos.1931 and 2242 of 2016 dated 18.04.2016 and 29.04.2016 is revived.

(iv) The bail condition is modified to the effect that they shall appear before the learned Judicial Magistrate No.IV, Tirunelveli on all working days at 10.30 a.m. until further orders. Besides that, they must also appear on all the hearing dates.

Sd/

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Tirunelveli.
2. The Judicial Magistrate No.IV,
Tirunelveli.
3. The learned Government Advocate,
Madurai Bench of Madras High Court,
Madurai.
4. The Inspector of Police,
Thatchanalur Police Station,
Tirunelveli District.

+1 cc to MR.R.ALAGUMANI, Advocate Sr.No.44312

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SMA/PV/22/08/2016 :3P/6C