



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

Crl.R.C. (MD) No.624 of 2016

Velmurugan

...Revision Petitioner / 2<sup>nd</sup> Petitioner /  
2<sup>nd</sup> Petitioner

-vs-

The Sub Inspector of Police  
Thisayanvilai Police Station  
Tirunelveli District

... Respondent / Respondent /  
Complainant

**PRAYER** : Criminal Revision Petition is filed, under Sections 397 and 401 Cr.P.C., to call for the records relating to the order passed by the learned Principal Sessions Court, Tirunelveli, in Crl.M.P.No.3489 of 2016 in Crl.M.P.No.2460 of 2016, dated 23.08.2016.

For Petitioner: Mr.K.P.Narayanakumar

For Respondent: Mrs.S.Prabha  
Govt.Advocate (Crl.Side) for R3

### **O R D E R**

Yesterday while dealing with the dismissal of a bail cancellation petition in Crl.R.C.(MD) No.608 of 2016, I have stated that the *de facto* complainant may not be magnanimous, but not the Court. The same is the position with regard to the present petition.

2. The revision petitioner is a Bus Driver in a Government Transport Corporation. On the occurrence day, he is alleged to have scolded the Depot Manager and he is alleged to have prevented the Manager from discharging his public duty. Thisayanvilai Police registered a case in Crime No.134 of 2016, under Sections 294(b), 353 and 506(ii) I.P.C.

3. Upon apprehending arrest, the Bus Driver approached the learned Principal Sessions Judge, Tirunelveli, in Cr.M.P.No.2460 of 2016 seeking anticipatory bail. He was granted anticipatory bail with



a condition to appear before the Inspector of Police, Panavadalichatram Police Station, daily at 10.30 a.m., for one month. However, he did not go to the said Police Station and sign before the Inspector of Police.

4. He has filed Cr.M.P.3489 of 2016, before the learned Principal Sessions Judge, Tirunelveli, to condone the days on which he has not signed before the said Police and also sought for modification to the effect that instead of Panavadalichatram Police Station, he may be ordered to sign before Pavoorchatram Police. The *de facto* intervenor opposed, because he is the victim in this case.

5. The learned Principal Sessions Judge, Tirunelveli, noting that even for a single day, the revision petitioner has not signed before the Panavadalichatram Police, dismissed the said petition. That is how, the Bus Driver is before us.

6. The learned counsel for the revision petitioner would submit that actually it is a communication gap between the revision petitioner and his lawyer with regard to the Station in which he has to sign. He sought for Pavoorchatram Police, but the Court chosen neither that Station nor Thisayanvilai Police Station, but it chosen Panavadalichatram Police Station.

7. The learned counsel for the revision petitioner also would submit that there was no deliberate intention on the part of the petitioner to deviate from the bail conditions. Actually, the Bus Driver was tossed between Pavoorchatram Police Station and Panavadalichatram Police Station.

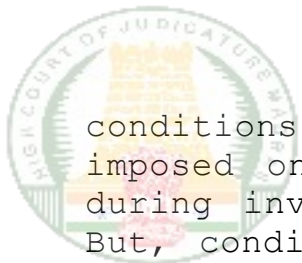
8. The learned counsel for the petitioner also would submit that the *de facto* complainant is tracking every movement of the accused and he is eyeing on him.

9. The learned Government Advocate (Criminal Side) would submit that even for a single day, the revision petitioner has not signed before the Panavadalichatram Police Station.

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

11. Though there is the common word 'Chatram', the name of both the Police Stations are confusing.

12. The offences alleged are under Sections 294(b), 353 and 506(2) I.P.C. Anticipatory bail is granted and conditions are also imposed. It has become a routine feature in bail orders whether it is custody bail or anticipatory bail. It is not that the Court cannot impose any condition. But, imposition of bail



conditions shall not be a measure of punishment. Conditions are imposed only with a view to see that the accused is available during investigation stage and also he did not abscond himself. But, conditions may not be imposed in the bail order, which are onerous in nature.

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**13.** Now, in this case, considering the nature of the offence alleged, daily appearing before the Police Station for one month appears to be onerous and also harsh in nature. It will have humiliating effect. This is one aspect of the matter.

**14.** Now, the matter is pending with Thisayanvilai Police. They are investigating the case. The petitioner has no case neither before Panavadalichatram Police Station nor before Pavoorchatram Police. Why should he go and disturb the said Police. Ofcourse, to appear before Thisayanvilai Police is understandable. Even then, as I have already stated, in the facts and circumstances, imposition of such conditions is onerous in nature.

**15.** In the facts and circumstances, I am of the view that it would suffice, if the petitioner is directed to appear before the jurisdictional Magistrate, namely, the learned Judicial Magistrate, Nanguneri, for a reasonable period.

**16.** In view of the above, ordered as under:

- (i) This criminal revision is allowed.
- (ii) The impugned order, dated 23.08.2016, passed in Cr.M.P.No.3489 of 2016 in Cr.M.P.No.2460 of 2016, by the learned Principal Sessions Judge, Tirunelveli, is set aside.
- (iii) The revision petitioner's non-appearance before the Inspector of Police, Panavadalichatram Police Station, is condoned.
- (iv) The anticipatory bail order, dated 25.05.2016, passed in Cr.M.P.No.2460 of 2016, by the learned Principal Sessions Judge, Tirunelveli, is modified to the effect that the revision petitioner shall appear before the learned Judicial Magistrate, Nanguneri, on every Monday and Friday, at 10.30 a.m., for two weeks.

Sd/  
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



To:

1. The Principal Sessions Judge,  
Tirunelveli.

2. The Judicial Magistrate,  
Nanguneri.

3. The Sub Inspector of Police,  
Thisayanvilai Police Station,  
Tirunelveli District.

4. The Government Advocate (Criminal Side)  
Madurai Bench of Madras High Court,  
Madurai.

+1 cc to MR.K.P.NARAYANAKUMAR, Advocate Sr.No.49547

Crl.R.C.(MD) No.624 of 2016  
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SMA/CK/07/09/2016 :4P/6C