

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.Nos.5323 and 5324 of 2017

1.Vasanthi
2.Sunitha ... Petitioners in Crl.OP.No.5323/2017

Sunil ... Petitioner in Crl.OP.No.5324/2017

Vs

The State rep. by
the Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore. ... Respondent in both the petitions

Criminal Original Petitions filed under Section 482 Cr.P.C. to set aside the orders dated 13.02.2017 passed in CMP.Nos.370 and 369 of 2017 in CMP.Nos.500 and 499 of 2016 on the file of the learned Principal District and Sessions Judge, Coimbatore in Crime No.9 of 2016 pending investigation on the file of the respondent police Station, Thudiyalur, Coimbatore and to grant the time extension to surrender and produce the sureties before the learned Judicial Magistrate, Mettupalayam, Coimbatore.

For Petitioners: Mr.S.Vijayakumar

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor.

COMMON ORDER

The present Criminal Original Petitions have been filed to set aside the orders dated 13.02.2017 passed in CMP.Nos.370 and 369 of 2017 in CMP.Nos.500 and 499 of 2016 on the file of the learned Principal District and Sessions Judge, Coimbatore in Crime No.9 of 2016 pending investigation on the file of the respondent police Station, Thudiyalur, Coimbatore and grant extension of time to surrender and produce the sureties before the learned Judicial Magistrate, Mettupalayam, Coimbatore.

2. It is the case of the petitioners that they are the husband and in-laws of the defacto complainant and they have been arrayed as accused in Cr.No.9 of 2016 on the file of the

respondent police. Apprehending arrest, they filed two petitions in CMP.Nos.499 and 500 of 2016 before the Principal District and Sessions Judge, Coimbatore. By order dated 02.03.2016, the petitioners were granted interim anticipatory bail for a period of one month, in the event of their arrest or on their surrender before the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, on or before 16.03.2016, failing which, the petitions shall stand dismissed automatically, subject to the conditions that they shall execute a bond for Rs.10,000/- each with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Additional Mahila Court, Coimbatore and that they shall report before the respondent police daily at 10.30am until further orders. However, the said conditional order was not complied with by the petitioners as their counsel had not informed about the conditions imposed on them. Thereafter, the matter was placed before the Mediation Centre and the parties have arrived at an amicable settlement. At that time only, the petitioners came to know about the non-compliance of the conditional bail order. Immediately, they moved CMP Nos.369 and 370 of 2017 seeking extension of time to comply with the conditional bail order, before the Principal District and Sessions Judge, Coimbatore and the same were dismissed on the ground of delay in approaching the Court for extension of time. Hence, the present petitions.

3. On 03.04.2017, when these petitions were taken up for consideration, the first petitioner in Crl.OP No.5323 of 2017 and the petitioner in Crl.OP No.5324 of 2017 were present before this Court.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

5. Considering the facts and circumstances of the case and taking note of the fact that the parties have already arrived at an amicable settlement in respect of the dispute between them, this Court directs each of the petitioners in both the petitions to pay a sum of Rs.5,000/- to the Legal Services Authority, Coimbatore and thereafter, surrender before the learned Judicial Magistrate, Additional Mahila Court, Coimbatore and execute a bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the said Magistrate, within a period of two weeks from today.

6. Both the criminal original petitions are disposed of accordingly.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

- 1.The Principal District and Sessions Judge, Coimbatore.
- 2.All Women Police Station,
Thudiyalur, Coimbatore.
- 3.The Judicial Magistrate, Mettupalayam, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

+4 cc's to S.Vijayakumar, Advocate, sr.20703, 20704.(7/4) each 2 copies.

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