



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CRL.O.P. (MD) No. 6012 of 2017

1.Raja @ Arul Raj

2.Benzigar

3.Stalin @ Standly @ Joseph Stalin .. Petitioners/
Accused Nos.3,5&11

Vs.

State rep. by
The Inspector of Police
Puthukadai Police Station,
Kanyakumari District.
(Crime No.481 of 2016)

..Respondent / Complainant

Prayer: This Criminal Original Petition is filed under Section 439 (1)(b) of Cr.P.C., to set aside the order passed by the learned Sessions Judge, Kanyakumari at Nagercoil made in Crl.M.P.No.1402 of 2017, dated 27.04.2017 and further permit the petitioners to comply the condition imposed by the learned Sessions Judge, Kanyakumari at Nagercoil made in Crl.M.P.No.4024 of 2016 dated 19.12.2016 from the date as prescribed by this Court.

For Petitioners : Mr.C.Christopher

For Respondent : Mr.K.Anbarasan
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition has been filed to set aside the order passed by the learned Sessions Judge, Kanyakumari at Nagercoil made in Crl.M.P.No.1402 of 2017, dated 27.04.2017 and further permit the petitioners to comply the condition imposed by the learned Sessions Judge, Kanyakumari at Nagercoil made in Crl.M.P.No.4024 of 2016 dated 19.12.2016 from the date as prescribed by this Court.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents and perused the materials placed before this Court.



3. The petitioners were arrayed as accused in Crime No.481 of 2016 for the alleged offence under Sections 147, 148, 452, 294 (b), 324 and 307 of IPC., read with Sections 3 & 4 of Explosives Substances Act, 1908. Earlier, the petitioners have filed a petition before the learned Sessions Judge in Crl.M.p.No.3712 of 2016 and on 23.11.2016, they were released on bail with condition that they should stay at Vellore and report before the Inspector of Police, Vellore South Police Station daily at 10.00 a.m. Subsequently, the condition was modified on 19.12.2016 in Crl.M.P.No.4024 of 2016 by the learned Sessions Judge, Kanyakumari on condition that they should report before the learned Judicial Magistrate No.II, Kulithurai weekly once i.e., on every Monday at 10.30 a.m. until further orders. The petitioners complied the conditions regularly til 02.01.2017. In the meantime, the respondent police initiated GOONDAS proceedings as against the co-accused, thereafter the respondent police threatened the petitioners that similar GOONDAS proceedings would be initiated as against them. The petitioners apprehend that they would be detained as GOONDAS and they did not appear before the learned Judicial Magistrate No.II, Kulithurai once in a week from 09.01.2017 onwards. Thereafter they filed an application in Crl.M.P.No.1407 of 2017, before the learned Sessions Judge, Kanyakumari to condone the absence for complying the condition from 09.01.2017 onwards, and the same was dismissed by the learned Sessions Judge on 27.04.2017 with a direction to the investigating Officers to file an appropriate petition before the learned Judicial Magistrate for cancellation for bail. The petitioners are ready to comply the condition now. Hence this petition.

4. The learned Government Advocate (Crl. Side) strictly objected to condone the absence of the petitioners and to set aside the order of the Court below.

5. Considering the facts and circumstances of the case, this petition is **allowed** and the order passed in Crl.M.P.No.1402 of 2017, dated 27.04.2017 by the learned Sessions Judge, Kanyakumari at Nagercoil is set aside. Further the petitioners are directed to comply the modified condition imposed by the learned Sessions Judge, Kanyakumari, in Crl.M.P.No.4024 of 2016, dated 19.12.2016, for a period of four weeks from the date on which the order copy is made ready.

Sd/-

Assistant Registrar(CS-II)

/True copy/



To.

1.The Judicial Magistrate No.II,
Kulithurai.

2.The Sessions Judge,
Kanyakumari at Nagercoil.

3.The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

PJL

AE/SV/SAR4/31.05.2017/3P/5C

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18.05.2017