

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.817 of 2018

and

Crl.M.P.No.9278 of 2018

Mr.Ameer @ Ameer Sultan ...Petitioner/Respondent/
Accused

..Vs..

Inspector of Police,
Central Crime Branch,
(Conventional Crime),
Vepery, Chennai - 600 007. ...Respondent/Petitioner/
Complainant

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records culminating in the impugned order dated 11.07.2018 passed by the learned Principal Sessions Court, Chennai in Crl.M.P.No.9801 of 2018 in Crl.M.P.No.7785 of 2018 cancelling the relief of anticipatory bail granted on merits to the petitioner, examine the correctness, legality and propriety of the findings made therein and set aside the same.

For Petitioner : Mr.Arun Anbumani

for M/s.C.Subramanian

For Respondent : Mr.R.Surya Prakash,
Govt.Advocate (crl.side)

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O R D E R

Heard both sides and perused the records.

2. The petitioner was granted conditional order of anticipatory bail granted on 09.05.2018 and for non-compliance of the conditional order dated 09.05.2018, the Court below cancelled the bail, by order dated 11.07.2018. It is to be noted that in paragraph 5(2) of the said order dated 09.05.2018, the

petitioner was directed to appear before the respondent-Police on the 1st and 15th of every month for a period of three months. Since the petitioner has not complied with this condition, the anticipatory bail was cancelled by order dated 11.07.2018.

3. It appears that the State has preferred the said cancellation of anticipatory bail granted on 09.05.2018 before the concerned Court, which resulted in allowing the application by the State wherein the anticipatory bail was cancelled. Hence, this revision is filed by the accused.

4. The learned counsel for the petitioner would contend that he has originally complied with the condition for the month of May, and for the month of June, he could not comply with the condition, since he was in hospital and to substantiate the same, he produced the medical certificate, wherein Dr.M.Bakthavatchalam, attached to the Tamil Nadu Government Multi Super Speciality Hospita, Chennai, has given a certificate that he was suffering from abdominal problem with vomiting and he could not appear before the Court of the first working of June.

5. The learned counsel for the petitioner has submitted that since the petitioner is a Muslim and he was engaged in the celebration of Ramzan and he could not attend on subsequent date and on legal advise, he appeared before the respondent police only on June 20th and 21st 2018, and hence, the cancellation application has been filed.

6. The learned Government Advocate (crl. side) has submitted that for the alleged offences under Setions 153, 505 (i)(b) IPC, he has been implicated as accused and FIR was registered in crime No.158 of 2018.

7. Considering the medical certificate produced by the petitioner and also taking note of the fact that the petitioner being a Muslim, I find that the non appearance of the petitioner on the first June appears to be on medical grounds and religious function only. Taking note of the alleged act of accused- petitioner and the Medical Certificate produced, I am of the view that the non-compliance is not willful but due to bonafide reason as stated above and hence, I am inclined to allow this revision subject to the condition that he has to pay Rs.5,000/- (Rupees five thousand only) to the Tamil Nadu Mediation Centre, High Court, Madras, and he has to comply with the said condition for the period of next six months. Accordingly, the conditional order of anticipatory bail granted on 09.05.2018, paragraph 5(2), shall stand modified to that effect and order of the cancellation of anticipatory bail granted by the Principal Sessions Judge is hereby set aside.

8. Before departing, the Social Media personalities has to exhibit an illustrative example for the public and not to be a counter example in the other way.

9. With the above modification, the Crl.R.C. is allowed. Consequently, Crl.M.P. is closed.

Sd/-
Assistant Registrar (CS-vi)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Court, Chennai
2. The Inspector of Police,
Central Crime Branch,
(Conventional Crime),
Vepery, Chennai - 600 007.
3. The Secretary, T.N.Mediation Centre,
High Court, Madras.
4. The Chief metropolitan magistrate, Chennai.
5. C.P.P. Chennai.
6. The Public Prosecutor
High Court, Madras

+3cc to Mr.C.SUBRAMANIAN, Advocate, S.R.No.45920

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RV(CO)
TR(13/07/2018)

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