

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
Criminal Revision Case Nos.840 and 841 of 2018

Yesuraja .. Petitioner
in Crl.RC.No.840 of 2018/Accused 6

Basil ..Petitioner
in Crl.RC.No.841 of 2018/Accused 3

Vs.

State Represented by
The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai-600 018. ...Respondent
in both Crl.RCs/Petitioner

Common Prayer: Criminal Revision petitions have been filed under Sections 397 and 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.Nos.7189 and 7190 of 2018, dated 09.07.2018 on the file of Principal Sessions Judge, Chennai.

For Petitioners : Mr.G.Murugendran
(in both Crl. Rcs)

For Respondent : M/s.S.Thankira
Govt Advocate (Crl. Side)
(in both Crl. R.Cs)

C O M M O N O R D E R

These petitions have been filed by the petitioners to set aside the order passed in Crl.M.P.Nos.7190 and 7191 of 2018, dated 09.07.2018 on the file of the Principal Session Judge, Chennai.

2.The petitioners are accused in S.C.No.348 of 2015 pending before the VII Additional Sessions Judge, Chennai, and they are arrayed as A6 and A3. Initially the petitioners were granted statutory bail by the XXIII Metropolitan Magistrate, Saidapet in Crl.M.P.Nos.2570 of 2014 and 5751 of 2013 under Section 167(2) of Cr.P.C. Thereafter, the respondent prosecuting agency had filed petitions in Crl.M.P.Nos.7189 and 7190 of 2018, for cancellation of bail. After elaborate discussion, the Sessions Court, Chennai cancelled the bail on the ground that the

petitioners and other accused persons threatened the witnesses on 09.07.2018, against which, the present Criminal Revision Petitions are filed.

3.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that similarly placed accused, the petitioners and other accused persons threatened the witnesses, thereby the respondent filed the cancellation of bail before this Court in Crl.O.P.No.2390 of 2018. This Court by its order dated 28.04.2018 cancelled the bail. The accused therein filed the Special Leave Petition before the Hon'ble Supreme Court to set aside the aforesaid order in S.L.P.No.4107 of 2018 and the Hon'ble Apex Court dismissed the said petition on 28.05.2018. Thereafter, the respondent/Inspector of Police filed a cancellation of bail before the Principal Sessions Court in Crl.M.P.No.7189 and 7190 of 2018. After considering the case of the petitioners as well as the prosecution the Principal Sessions Court arrived at a conclusion that the petitioners threatened the witnesses who were residing in the neighboring district. Further without getting proper permission they moved out from Chennai City violated the conditions while they were in bail. Accordingly, the bail granted on the earlier occasion was cancelled. Thereafter, the petitioners who are similarly placed persons and who were arrayed as accused in Crime No.101 of 2017 are before this Court.

4. Mr.G.Murugendran, the learned counsel for the petitioners would submit that without going in to the merits of the case, the petitioners are ready to surrender before the Principal Sessions Court and ready to cooperate for trial, to that extent the petitioners have also filed an affidavit before this Court and the relevant portion of the affidavit is as follows:

"It is further submit that the cancellation bail petition had filed on the ground that the petitioner had threatened the witness namely Bensam (LW56) and based on his complaint FIR No.101/2017 was registered. It is further submit that the prosecution also relying one Sivaji and LW3 Gopinath also threatened by some one. However, Gopinath and Sivaji was not indicating the name of petitioner. The petitioner submit that he is not threatened anyone of the witness in his knowledge as per the version of the prosecution. However, the prosecution apprehension that the petitioner had made attempt to threatened the above said witness. In view of the fact to prove my bonafide, I am ready to surrender before the Hon'ble VII Additional Sessions Court, Chennai on 19.09.2018 on hearing date of the trial case. After surrender this Court give liberty to file bail application before VII Additional Sessions Judge, Chennai after examining

the alleged threatening witnesses by the prosecution. In view of that the petitioner is ready to surrender and prove his bonafide. The petitioner is a only person and who had lead the family and he have two sisters.

It is further submit that the cancellation bail petition had filed on the ground that the petitioner had threatened the witness namely Bensam (LW56) and based on his complaint FIR No.101/2017 was registered. It is further submit that the prosecution also relying one Sivaji and LW3 Gopinath also threatened by some one. However, Gopinath and Sivaji was not indicating the name of petitioner. The petitioner submit that he is not threatened anyone of the witness in his knowledge as per the version of the prosecution. However, the prosecution apprehension that the petitioner had made attempt to threatened the above said witness. In view of the fact to prove my bonafide, I am ready to surrender before the Hon'ble VII Additional Sessions Court, Chennai on 19.09.2018 on hearing date of the trial case. After surrender this Court give liberty to file bail application before VII Additional Sessions Judge, Chennai after examining the alleged threatening witnesses by the prosecution. In view of that the petitioner is ready to surrender and prove his bonafide. The petitioner have four months old child."

5. So in view of the affidavit filed by the petitioner, the Criminal Revision Petitions are disposed of and the petitioners should surrender before the VII Additional Sessions Judge, Chennai. However, liberty is granted to the petitioners to file appropriate petition, if any change of circumstances arises for consideration. The learned VII Additional Sessions Judge, shall decide the matter in accordance with law, after affording opportunity to the Public Prosecutor.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gmd/ub

To

1.The Learned Principal Sessions Judge,
Chennai.

2.The VII Additional Sessions Judge,
Chennai.

3.The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai-600 018.

4.The Public Prosecutor,
Madras High Court.

+2cc to Mr.G.Murugendran, Advocate, S.R.No.63681 and 63682

CRL RC Nos.840 and 841 of 2018

SJ(CO)

rrs 04/10/2018



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