

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24344 of 2018

1.Kiran
2.Binnu @ Unnikrishnan
3.Babu

Petitioners

Vs

The State rep. by
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the District Munsif Cum Judicial Magistrate Court, Denkanikottai extension of the time for the petitioners' surrender before the Honourable Court in Crl.M.P.No.105/2017.

For Petitioners : Mr.M.Suresh

For Respondent : Ms.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

The petitioners are accused in PRC.No.20 of 10 in Denkanikottai Police Station in Crime No.50 of 2008 for the offences under Sections 395 r/w 394 and 109 IPC. The petitioners were shown as absconding accused in the charge sheet in PRC.No.20 of 10 which is now pending on the file of District Munsif Cum Judicial Magistrate Court, Denkanikottai. The petitioners were granted anticipatory bail in Crl.M.P.No.105 of 2017 on 24.05.2017 by the learned Sessions Judge, Krishnagiri on condition that they should surrender before the District Munsif Cum Judicial Magistrate Court, Denkanikottai within ten days from the date of receipt of a copy of this order and furnish sureties. The petitioners did not surrender. They filed Crl.M.P.No.1235 of 2018 in Crl.M.P.No.105 of 2017 for extension of time which has been dismissed by the Sessions Court on

05.09.2018, aggrieved by which the petitioners are before this Court.

2.The learned Additional Public Prosecutor submitted that the petitioners are involved in another case of dacoity in Karnataka. She also submitted that the petitioners have not given any reason for not complying with the order dated 24.05.2017.

3.Per contra, the learned counsel for the petitioners submitted that the first petitioner was suffering from Jaundice and was taking treatment and therefore he did not intimate the other petitioners also about the order passed by the Sessions Court.

4.Though the reasons given by the petitioners does not cut ice, however since the committal proceedings are pending from the year 2010, this Court grants two weeks time from the date of receipt of a copy of this order to surrender before the District Munsif Cum Judicial Magistrate Court, Denkanikottai and comply with the order dated 24.05.2017 in Crl.M.P.No.105 of 2017. Out of the two sureties, one surety should be a blood relative and the other surety should be a local surety. The petitioners and the sureties shall give their photographs, signature and thumb impression in the surety affidavit and bond. If the petitioners abscond thereafter, a fresh FIR can be registered against them under Section 229 A of IPC.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

gsa/rst

To

1.The Inspector of Police,
The State of Tamil Nadu,
Denkanikottai Police Station,
Krishnagiri District.

2.The District Munsif Cum Judicial Magistrate, Denkanikottai.

3.The Public Prosecutor,High Court, Madras.

+lcc to Mr.M.Suresh, Advocate SR.No.71278

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RK (CO)

GMV(08/11/2018)