



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Wednesday, the Nineteenth day of December Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL MP(MD) No.10365 of 2018

IN

CRL A(MD) No.441 of 2018

1. SUNDARAMOORTHY CHELLAIAH

2. SAMUVEL

... PETITIONERS/APPELLANTS

Vs

1. THE DEPUTY SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT

2. THE INSPECTOR OF POLICE
VACHAKKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO.252/2018

3. V.RAJALAKSHMI

... RESPONDENTS/RESPONDENTS

Prayer in CRL MP(MD). 10365/ 2018 :

Petition filed under section 482 of Criminal Procedure Code, praying to relax the condition imposed on the petitioner in Crl.A(MD)NO. 441 of 2018 dated 08.10.2018

Prayer in CRL A(MD). 441/ 2018 :

Petition filed under section 14(A) (2) of SC/ST Act, praying to enlarge the appellants on Bail by allowing this Criminal Appeal.

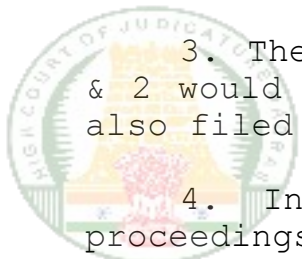
Order : This petition coming on for hearing on this day, upon perusing the petition and affidavit and earlier orders of this court and upon hearing the arguments of M/S.M. JEGADEESWARAN, Advocate for the petitioner and MR.APG OHM CHAIRMA PRABHU, Government Advocate for Respondents No.1 and 2 and this court made the following order:-

This Court passed an Order dated 08.10.2018 in Crl.A.(MD) No.441 of 2018, on the following conditions:

"(i). the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for a like sum to the satisfaction of the Principal District and Sessions Court (Special Court for SC/ST (POA) Act under 1989 offence cases), Srivilliputhur, Virudhunagar District.

(ii). the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders."

2. The learned Counsel for the petitioners would submit that the petitioners are working as Coolie in Kerala State and therefore, condition imposed in the earlier order may be relaxed.



3. The learned Government Advocate appearing for respondents-1 & 2 would submit that investigation has completed and charge sheet also filed and taken on file as PRC No.60 of 2018.

4. In view of the above submissions, since 207 Cr.P.C., proceedings has not been completed and charge also not been framed. Therefore, under these circumstances the condition imposed by this Court vide order dated 08.10.2018, made in Crl.A (MD)No.441 of 2018 is modified on further condition that :

[a] the petitioners shall appear before the respondent police on alternative Monday at 10.30 a.m., until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

Assistant Registrar (CO)

/ TRUE COPY /

Sub-Assistant Registrar (CS-I)

TO

1. THE PRINCIPAL SESSIONS JUDGE,
VIRUDHUNAGAR
2. THE DEPUTY SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT
3. THE INSPECTOR OF POLICE
VACHAKKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1 cc TO MR.M.S.JEYAKARTHIK, ADVOCATE IN SR NO.101352

ORDER DATED : 19.12.2018

ORDER

CRL MP(MD) No.10365 of 2018
IN

CRL A(MD) No.441 of 2018

Giving director etc., as
stated within.