

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.224 of 2019

Arulselvam

... Petitioner

vs

State Represented by:

The Inspector of Police,
Attaiyampatti Police Station,
Salem District.
(Crime.No.26/2018)

... Respondent

Prayer: The Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to call for the records of the trial Court in Cr.M.P.No.3504 of 2018 dated 26.10.2018 on the file of the Principal Sessions Judge, Salem in Crime No.26 of 2018 on the file of the respondent.

For Appellant : Mr.N.Mohamed Ansar
For respondent : Mr.R.Surya Prakash
Government Advocate

O R D E R

The Bail was granted to the revision petitioner by the learned Principal Sessions Judge, Salem in C.M.P.No.2804 of 2018 and the petitioner was directed to appear before the concerned police station.

2. The petitioner has complied with the said condition till 06.10.2018. From 07.10.2018 onwards, he has not complied with the condition imposed. Subsequently notice was issued to the petitioner and the same was returned with VAO certificate, stating that on enquiry, it was found that the petitioner was not residing in the address given by him and now his whereabouts is not known. Hence, bail has already been granted by the trial Court, was cancelled. Hence, the revision petitioner has filed the present revision before this Court.

3. The learned counsel for the petitioner would submit that as per the condition imposed by the trial Court in C.M.P.No.2804

of 2018 dated 23.08.2016, he has complied with the condition till 06.10.2018. Since the respondent police threatened him that false case would be foisted against him, due to this fear, he could not go to the police station and he did not comply with the condition. Thereafter, he approached the counsel and there is a delay. Therefore, he has filed this criminal revision.

4. The petitioner himself has admitted that he has complied with the condition from 07.10.2018 onward till the bail cancellation order was passed by the sessions judge on 26.10.2018. The learned counsel for the petitioner would state that the respondent police have threatened the petitioner and therefore, he did not go to the police station to comply with the condition. The reason stated is not acceptable. If at all the police threatened the petitioner, should have approached the Court which granted the bail and moved for cancellation or modification or relaxation of the condition. Since they have not stated any valid reason, the learned Magistrate has rightly cancelled the bail. I do not see any illegality or infirmity in the said order. Hence, this revision is liable to be dismissed.

5. In view of the above observation, the Criminal Revision is dismissed. The respondent police is directed to expedite the investigation if already not completed and if charge sheet is not filed, the respondent police is directed to file the charge sheet within a period of one month from the date of receipt of a copy of this order. Consequently, connected miscellaneous is also closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Principal Sessions Judge, Salem.
2. The Inspector of Police,
Attaiyampatti Police Station, Salem District.
3. The Public Prosecutor,
High Court, Madras-104.

Crl.R.C.No.224 of 2019

CSL/04.04.2019