

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION NOS.9880 & 9881 OF 2019

IN CRL RC.432/2019

V.SUDHAKARAN

[PETITIONER / APPELLANT / ACCUSED]

vs

M.RAJAA

[RESPONDENT]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.432/2019 on the file of the High Court, the High Court will be pleased to

[i] enlarge the petitioner on bail in Crl.R.C.No.432/2019 in Crl.A.No.77 of 2018 on the file of the Learned II Additional District Sessions Judge, Thiruvallur, dated 23.04.2018 in S.T.C.No.14/2017 Learned Judicial Magistrate, Fast Track No.II, Poonamallee, pending disposal of the above CRL.RC.NO.432 OF 2019 [IN CRL.MP.NO.9880 OF 2019]

[ii] extend the time to deposit the amount before the Learned Judicial Magistrate, Fast Track No.II, Poonamallee, as the condition of this Hon'ble Court imposed on the petitioner in Crl.M.P.No.6566/2018 in Crl.R.C.No.432/2019 by its order dated 09.05.2019. [IN CRL.MP.NO.9881 OF 2019]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.432/2019 on the file of the High Court and upon hearing the arguments of M/S.KUMARESAN P., Advocate for the petitioner and of M/S.R.MURALI Advocate on behalf of the Respondent the court made the following order:-

By order dated 09.05.2019 passed in Crl.MP.No.6566 of 2019 in Crl.RC.No.432 of 2019, this Court suspended the sentence and released the petitioner on bail on certain conditions, one of which, is that the petitioner should deposit a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand Only) in STC.No.14 of 2017 on the file of the Judicial Magistrate, Fast Track Court II, Poonamallee, within a period of six weeks from the date of receipt of a copy of that order. This Court, further directed that if the petitioner fails to deposit the said amount, suspension of sentence and bail shall be cancelled automatically and that the petitioner can be taken into custody.

2. While that being so, the petitioner has been taken into custody on 18.07.2019 and has been lodged in the Central Prison, Puzhal.

3. The learned counsel for the petitioner submitted that on account of some miscommunication, the petitioner was under the impression that six weeks time period given by this Court to deposit the amount would expire on 01.08.2019, whereas it had expired on 02.07.2019 and therefore, the petitioner is seeking suspension of sentence and bail and also extension of time for depositing the sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand Only)

4. Heard Mr.P.Kumaresan, learned counsel for the petitioner and Mr.R.Murali, learned counsel for the respondent.

5. The learned counsel for the petitioner submitted that on account of the aforesaid miscommunication, the petitioner was taken into custody and remanded on 18.07.2019.

6. In view of the above, suspension of sentence and bail is granted to the petitioner afresh on the following conditions:

(i) The petitioner shall deposit a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand Only) in STC.No.14 of 2017 on the file of the Judicial Magistrate, Fast Track Court II, Poonamallee, forthwith and on such deposit, the trial Court shall re-deposit the amount in a Fixed Deposit account in any nationalized bank so that the amount with interest can be disbursed either to the complainant or to the accused, depending upon the outcome of this revision petition.

(ii) On such deposit, the petitioner shall be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate (Fast Track Court-II) Poonamallee.

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate (Fast Track Court-II) Poonamallee, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iv) After release, the petitioner shall appear before the trial Court on the first working day of every month until the disposal of the revision petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his

absence, as directed by the trial Court.

Accordingly, these Criminal Miscellaneous Petitions are ordered.

-sd/-
19/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+2C.C. to M/S.KUMARESAN P. Advocate on payment of necessary charges SR NOS.14860, 14861

+1C.C. to M/S.R.MURALI Advocate on payment of necessary charges SR NO.

Order

in
CRL MP.9880 & 9881 OF 2019

in
CRL RC.432/2019

Date :19/07/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

MK:19/07/2019