

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 29.03.2019****CORAM:****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****CRL.R.C. (MD) No.197 of 2019**

1.R.Malar
2.Poothumani
3.Karthikraja

... Petitioners

-Vs-

The State represented through
The Inspector of Police,
Usilampatty Taluk Police Station,
Madurai District.

(In Crime No.269 of 2018)

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order dated 06.03.2019 made in Crl.M.P.No.1057 of 2019 passed by the learned Principal Sessions Judge, Madurai and set aside the same consequently, extent the time for surrender the accused in connection with the conditional order passed in Cr.M.P.No.5758 of 2018, dated 23.11.2018.

For Petitioners : Mr.D.S.Haroon Rasheed
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side).

ORDER

This Criminal Revision Case is filed to set aside the order dated 06.03.2019 made in Crl.M.P.No.1057 of 2019 passed by the learned Principal Sessions Judge, Madurai and to extent the time for surrender the accused in connection with the conditional order passed in Cr.M.P.No.5758 of 2018, dated 23.11.2018.

2.The petitioners, who apprehended arrest at the hands of the respondent police in Crime No.269 of 2018 for the offences under Sections 294(b), 324, 323, 506(ii) IPC and Section 3 of TNPPDL Act, had filed Crl.M.P.No.5758 of 2018 before the learned Principal District Sessions Judge, Madurai, in which the trial Court, by its order dated 23.11.2018, granted anticipatory bail to the petitioners herein with a direction to surrender before the concerned Court within 15 days from the date of order and also on payment of cash surety of Rs.6250/- each. Thereafter, the petitioners had filed another petition in Crl.M.P.No.6052 of 2018 to modify the condition to set aside the cash surety of Rs.6250/- each, imposed on the petitioners, but the trial Court dismissed the same, by its order dated 06.12.2018. The same was challenged before this Court in Crl.O.P. (MD) No.23045 of 2018 and this Court set aside the cash security of Rs.6250/-, by its order dated 04.01.2019. In the mean time, the time granted by the trial Court was expired. Hence, the petitioners have filed Crl.M.P.No.1057 of 2019 before the trial



Court, seeking extension of time. However, the same was dismissed on 06.03.2019. As against which, this Criminal Revision Case is filed.

3. The learned counsel appearing for the petitioners would submit that the trial Court has dismissed Crl.M.P.No.1057 of 2019, by order dated 06.03.2019, on the ground that already the petitioners moved before the High Court, seeking modification and the petition was not entertained. Hence, he seeks to set aside the same.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

5. Considering the facts and circumstances of the case and considering the fact that having failed in an modification application before the trial Court, while the petitioner approached this Court for modifying the condition, this Court has also modified the condition, however, the time limit has not been extended, this Court is inclined to extend the time for surrender and execute the bail bond for a period of two weeks from the date of receipt of a copy of this order. The other conditions imposed by the trial Court are in order.

6. In the result, this Criminal Revision Petition is allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

1. The Principal Sessions Judge, Madurai.

2. The Inspector of Police,

Usilampatty Taluk Police Station, Madurai District.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-57708[F]
dated 29/03/2019)

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