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IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE EIGHTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON`BLE MR JUSTICE P. N. PRAKASH

AND

THE HON`BLE MS JUSTICE R.N. MANJULA

CRIMINAL MISCELLANEOUS PETITION NO.8491 OF 2021

IN

CRL A.377 of 2014

RAGINI @ BHARATH
W/O. DURAISINGAVEL

... PETITIONER/PETITIONER/ACCUSED

Vs

THE STATE REP.BY
DEPUTY SUPERINTENDENT OF POLICE,
Q BRANCH CID,
THIRUPATHUR RANGE, DHARMAPURI,
DHARMAPURI DISTRICT.

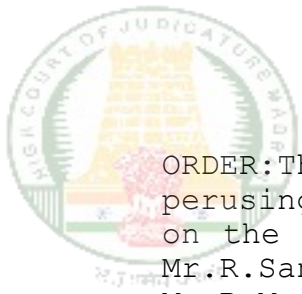
...RESPONDENT/RESPONDENT/COMPLAINANT

Prayer in Crl.M.P.No.8491 of 2021:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to relax the condition imposed in Crl.M.P.No.1 of 2014 in Crl.Appeal No.377 of 2014 passed by this Honble Court dated 25.11.2014 on condition that the petitioner shall appear before the Special Court for Bomb Blast cases and POTA Offences, Poonamallee at the first working day of every month at 10.30 am until further order apart from attending before the court for each hearing to secure the ends of justice.

PRAYER IN CRL.A NO.377 OF 2014:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the order in Crl.M.P.SRNo.191 of 2014 dated 21/04/2014 in Special C.C.No.1 of 2009 on the file of Special Court for Bomb blast cases and POTA Offences, Poonamallee and enlarge the appellant on bail, pending Trial in the above case to secure the ends of justice.



ORDER: This Petition coming on for hearing on this day, and upon perusing the petition and the affidavit filed in support thereof on the file of the High Court and upon hearing the arguments of Mr.R.Sankarasubbu, Advocate for the appellant and of Mr.R.Muniyapparaj, Additional Public Prosecutor for respondent, this Court made the following order;

The petitioner herein was released on bail by this Court on 23.09.2014 in Crl.A. No.377 of 2014 on various conditions, one of which is that she should report before the respondent police at 10.30 a.m. daily, except on the hearing dates before the Court until further orders. Post-release, the petitioner was complying with the said conditions.

2 While so, she filed a petition in Crl.M.P. No.1 of 2014 in Crl.A. No.377 of 2014 seeking modification of the aforesaid condition and this Court, vide order dated 25.11.2014, modified the condition to the effect that the petitioner shall appear before the Special Court for Bomb Blast Cases and POTA offences, Poonamallee (trial Court) on the first working day of every month at 10.30 a.m. until further orders, apart from appearing before the Court for each hearing.

3 The present petition has been filed for relaxing the condition imposed on 25.11.2014 on the ground that since release, the petitioner has been regularly appearing before the trial Court at least twice a month, apart from appearing before the trial Court on the first working day of every month, as ordered by this Court on 25.11.2014.

4 The State has filed a counter affidavit strongly objecting to the relaxation of the condition imposed by this Court vide order dated 25.11.2014, on the ground that the petitioner and the other accused are objecting to the commencement of the trial by contending that a Senior Advocate of their choice should have to be appointed.

5 However, the fact remains that after release on bail, the petitioner has not got involved in any other offence till date and she has been appearing before the trial Court regularly on the hearing dates.

6 In such perspective of the matter, no prejudice will be caused to the State, if the condition to report before the trial Court on the first working day of every month at 10.30 a.m., is relaxed and it is ordered accordingly. However, it is made clear that if the petitioner absconds, it is always open to the trial Court to issue a non bailable warrant and remand her in custody on production, apart from registering an FIR under Section 229-A IPC.



In the result, this petition for relaxation is allowed and the condition imposed by this Court in M.P. No.1 of 2014 on 25.11.2014 is relaxed with a rider that the petitioner shall appear before the trial Court on the hearing dates, unless specially exempted by the trial Court on a particular day under Section 317 Cr.P.C.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Deputy Superintendent of Police,
"Q" Branch, CID Tirupathur Range,
Dharmapuri,
Dharmapuri District.
- 2 The Special Judge,
Special Court for Bomb Blast Cases and POTA Offences,
Poonamallee.
- 3 The Superintendent,
Special Jail (Women),
Salem.
- 4 The Superintendent,
Central Prison,
Salem.
- 5 The Public Prosecutor(Criminal Side),
Madras High Court,
Chennai.

Dated:08/10/2021

ORDER

Cr1.M.P.No.8491 of 2021
in
Cr1.A No.377 of 2014

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srg 22/10/2021