



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.9018 of 2021

IN CRL OP.13885/2020

ALAMELU

[PETITIONER/ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
KULLANCHAVADI POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.209 OF 2020).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to extend the time for executing the sureties as directed by this Hon'ble court in Crl.OP.No.13885 of 2020 dated 10.09.2020.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.G.BALAMANIKANDAN, Advocate for the Petitioner and of MR.A.GOPINATH Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This miscellaneous petition has been filed seeking extension of time for executing the sureties as directed by this Court vide order dated 10.9.20 in Crl. O.P. No.13885/20.

2. The petitioner, along with other persons, were implicated for the offences u/s 147, 148, 294 (b), 323, 324, 506 (ii) and 307 IPC which was subsequently altered to 302 IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act.

3. Initially, this Court had granted anticipatory bail to the petitioner on 10.09.2020 on certain condition and, thereafter, the condition also stood relaxed in Crl. M.P. No.5980 of 2020. Thereafter, on 23.2.2021 the above criminal original petition was listed on 23.2.2021, where learned counsel sought to withdraw the same and acceding to the said request, permission was granted.

4. However, certain sequence of events from the above, i.e., from the grant of bail to its relaxation and further withdrawal of the same was noticed by this Court when Crl. M.P. No.4624/2021 was



filed by the very same counsel, who has filed the present miscellaneous petition, seeking time for executing the sureties. This Court, after extensively dealing with what transpired from the time of grant of anticipatory bail to the time Crl. M.P. No.4624/2021 was filed, after ascertaining from the materials available on record that a fraud has been perpetrated on the Court, had declined to accede to the request for extension of time for executing the sureties. In view of the dismissal of the said miscellaneous petition in Crl. M.P. No.4624/21, the present petition has been filed for the very same relief.

5. It is to be pointed out that even in the order passed in Crl. M.P. No.4624/21, this Court, on the submission of the learned Government Advocate that the petitioner has been complying with the condition imposed, had relaxed certain conditions relating to appearance of the petitioner. It is to be pointed out that only on execution of sureties, the other conditions relating to appearance before the Magistrate or the respondent, as the case may be, would arise and without executing the sureties, this Court is at a loss to understand as to what the petitioner was complying all along, which has been vouched for by the learned Government Advocate as well. That being the case, the present petition at the instance of the petitioner seeking time for extension of time for sureties is nothing but an exercise in futility. The prayer as sought for by the petitioner is wholly misconceived and cannot be granted.

6. For the reasons aforesaid, this petition is devoid of merits and, accordingly, the same is dismissed.

-sd/-

09/09/2021

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
ADDITIONAL MAHILA COURT,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KULLANCHAVADI POLICE STATION,
CUDDALORE DISTRICT.



4 THE OFFICER INCHARGE,
RAJAMANGALAM POLICE STATION,
CHENNAI.

WEB COPY

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.G.BALAMANIKANDAN Advocate on payment of necessary
charges SR.NO.10009

Order
in
CRL MP.9018/2021
in
CRL OP.13885/2020
Date :09/09/2021

From 7.2.2001 the Registry is issuing certified
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CSK 16/09/2021