



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM:

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THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.M.P.No.11495 of 2021

in

Cr1.O.P.No.19455 of 2021

1.Guna @ Gunasekaran  
2.K.Ganesan  
3.K.Nandhakumar

... Petitioners/Accused

Vs.

The State Represented by its  
The Inspector of Police,  
Thudiyalur Police Station,  
Coimbatore Rural,  
Coimbatore District,  
Crime No.1408 of 2021.

... Respondent

PRAYER: Criminal Miscellaneous petition has been filed under Section 482 of Cr.P.C., praying to modify the condition in Clause (b) of the Order dated 12.10.2021 made in Cr1.O.P.No.19455 of 2021.

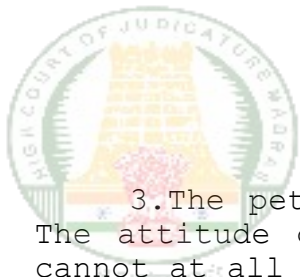
For Petitioners : Mr.A.E.Ravidhandran

For Respondent : Mr.V.Meganathan  
Government Advocate (Cr1. Side)

ORDER

Today, when the matter is taken up for hearing, the learned counsel representing the Petitioners/Accused stated that he had filed petition seeking modification of the order granting Anticipatory Bail to the Petitioners/Accused on 12.10.2021.

2.As per the Order dated 12.10.2021, the Petitioners were directed to appear before the Investigation Officer in this case daily at 10.30 a.m., until further orders and he was directed to appear within 15 days from the date of this Order.



3.The petition to modify the condition was filed on 28.10.2021. The attitude of the petitioners in not complying with the condition cannot at all be accepted. It is to be noted that the petitioners are Accused as per the FIR. Protection against the arrest was granted by this Court, but the Petitioners/Accused claim that they will not appear before the respondent police as the police will harass them. It is to be noted that as per the guidelines regarding issuance of bail from time to time, it has been re-iterated that by granting bail, the investigation shall not be hampered. The petitioners are attempting to flee from due process. Therefore, they are warned. If they do not co-operate with the due process of investigation, the bail already granted will be cancelled suo motu by this Court.

4.Mr.V.Meganathan, learned Government Advocate (Crl. Side) appeared before the Court along with the Investigation Officer/Sub Inspector, Thudiyalur Police Station along with C.D file. It is the submission made by the learned Government Advocate (Crl. Side) that the petitioner herein is a History-Sheetter as per the records of the police.

5.On enquiry by the Court with the learned Government Advocate (Crl. Side), as per the instructions received by the learned Government Advocate (Crl. Side) informed this Court as per instructions from the Sub Inspector of Police, Thudiyalur Police Station on verification submits that the Head Quarters of Coimbatore Rural Police and the Commissioner of Police is within the local limits of Kuthiravandi Police Station/Race Course Police Station. Therefore, instead of the request of the petitioners seeking modification so as to insist the Court that they will appear only before the learned Judicial Magistrate concerned is rejected. Instead, they are directed to appear before the Inspector of Police, Kuthiravandi Police Station/Race Course Police Station from Tuesday (30.11.2021) onwards at 10.30 a.m., until further orders. The Anticipatory Bail already granted by this Court on 12.10.2021 will be cancelled suo motu without notice to the learned counsel who appeared for the Petitioners/Accused in virtual mode, though notice is given now.

6.The petition seeking modification is partly allowed with the direction with warning to the petitioners that if they do not co-operate with the pending investigation, the Investigation Officer in this case is within his discretion to approach the Court of the learned Judicial Magistrate concerned as per the reported Ruling of the Hon'ble Supreme Court in the case of P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]. The petitioner is directed to comply with the condition strictly and no further lineancy will be granted.



Accordingly, petition is disposed of.

-sd/-  
26/11/2021

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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,  
NO.I, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
THUDIYALUR POLICE STATION,  
COIMBATORE RURAL, COIMBATORE.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 C.C. to M/S.A.E.RAVI CHANDRAN Advocate on payment of necessary charges SR.NO.13577

Order  
in  
CRL MP.11495/2021  
in  
CRL OP.19455/2021

Date :26/11/2021

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JPA 29/11/2021