



BAIL SLIP

The Petitioner/Accused Viz Ilayaraja @ Raja @ Racket Raja (M-32 Years) S/o. Ramachandran, was released on bail as per the order of this Court Dated 22.10.2019 in Crl.M.P.No.15061 of 2019 in Crl.R.C.No.1119 of 2019 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1119 of 2019

Ilayaraja @ Raja @ Racket Raja ... Petitioner

..VS..

1. The First Class Executive Magistrate-cum-Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.

2. The Inspector of Police,
Jayankondam Police Station,
Jayankondam.

... Respondents

Criminal Revision Case filed under Section 397 and 401 Cr.P.C, to set aside the impugned order passed by the first respondent in Na.Ka.A3/2212/2019 dated 24.08.2019 under Section 122(1) (b) Cr.P.C.

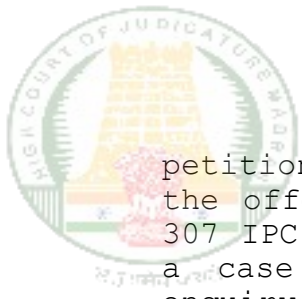
For Petitioner : Mr.G.Karthikeyan

For Respondents : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 24.08.2019 passed in Na.Ka.A3/2212/2019 by the First Class Executive Magistrate-cum-Revenue Divisional Officer, Udayarpalayam, Ariyalur District.

2.The case of the prosecution is that the petitioner executed a bail bond under Section 110 Cr.P.C to maintain peace for a period one year. During the said bond period, the



petitioner involved in another case in Crime No.228 of 2019 for the offence punishable under Sections 341, 294(B), 323, 324 and 307 IPC, based on which, the second respondent police registered a case against the petitioner. The first respondent, after enquiry, passed the impugned order dated 24.08.2019 and committed the accused to undergo imprisonment for 196 days under Section 122(1)(b) Cr.P.C. Challenging the said impugned order, the petitioner is before this Court.

3.The learned counsel for the petitioner would submit that without affording any opportunity to the petitioner to engage a counsel to defend his case, the first respondent passed the impugned order, which violates the rights of the accused. Therefore, the impugned order passed by the first respondent is liable to be set aside.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is habitual offender. During the said bond period, the petitioner obtained anticipatory bail and involved in another case in Crime No.228 of 2019 for the offence under Sections 341, 294(B), 323, 324 and 307 IPC. After due enquiry, the first respondent initiated proceedings under Section 122 (1) (b) of Cr.P.C and cancelled the bail bond executed under Section 110 Cr.P.C. Hence, there is no merit in this case and the same may be liable to be dismissed.

5.On a perusal of the impugned order, it reveals that the order passed by the first respondent is not a speaking order, since no reasons were given as to whether the first respondent has satisfied with the conditions before cancelling the bail bond. Further, it reveals that no opportunity was provided to the petitioner to engage a counsel to defend his case.

6.It is a well settled proposition of law, the accused, who is in custody, has to be provided with legal assistance by engaging a counsel on his own. If the petitioner is not in a position to engage a counsel on his own, it is the bounden duty of the respondent police/Court to provide legal assistance through Legal Services Authority. This Court, time and again, gave directions to the authorities concerned to provide sufficient opportunity to the petitioner to defend his case. In the present case, the first respondent neither has given an opportunity to the petitioner to engage a counsel on his own nor to engage a counsel through Legal Services Authority, which amounts to denial of justice.

7.In such a view, the order passed by the first respondent dated 24.08.2019 is hereby set aside and the matter is remitted back to the first respondent for fresh consideration. The first respondent is directed to provide legal assistance to the



petitioner through the Legal Services Authority, if the petitioner is not in a position to engage a counsel on his own and dispose of the case in accordance with law as early as possible. The petitioner shall co-operate with the respondents for enquiry.

8. With the above direction, this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar(CO)
Dt 17/08/2021

//True Copy//

Sub Assistant Registrar

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To

1. The First Class Executive Magistrate-cum-Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.
2. The Inspector of Police,
Jayankondam Police Station,
Jayankondam.
3. The Public Prosecutor,
High Court, Madras.

Copy to

The Superintendent,
Central Prison, Trichy.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.38426

Criminal Revision Case No.1119 of 2019

AK-II(CO)
HS(17/08/2021)