



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.06.2021**

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.M.P(MD).No.3069 of 2021

in

Crl.A.(MD).No.174 of 2016

WEB COPY

The Inspector of Police,
"Q" Branch of CID,
Madurai District.
(Crime No.01 of 2008)

... Petitioner/Respondent/Respondent

Vs.

Elangai Nathan @ Nathan
@ Rajan @ Sindhu @ Ilango @ Sivalingam ... Respondent/Petitioner/
3rd Appellant(A-3)

PRAYER: Criminal Miscellaneous Petition filed under Section 439(2) of Criminal Procedure Code, to cancel the bail granted to the respondent /accused No.3 in Crl.M.P.(MD).No.4068 of 2016 in Crl.A.(MD).No.174 of 2016.

PRAYER IN CRL MP(MD)4068 OF 2016:

Miscellaneous Petition filed under Section 389(1) of Cr.P.C., suspend the sentence imposed by the Honorable 4th Additional District and Sessions Court, Madurai in C.C.No.334 of 2010 dated 28.04.2016 in Crl A(MD)No.174 of 2016 and release the petitioners on bail.

PRAYER IN CRL A(MD)NO.174 OF 2016:

Criminal Appeal filed under section 374 of Criminal Procedure Code, praying this Court to set aside the conviction Judgment passed by the IV Additional District and Sessions Court, Madurai in S.C.No.334 of 2010 dated 28.04.2016.

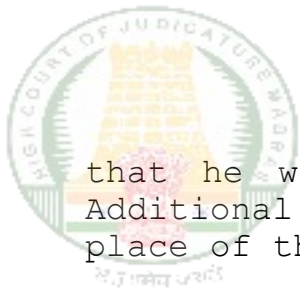
For Petitioner

: Mr.T.Senthil Kumar
Government Advocate (Crl.Side)

ORDER

When the matter was came up for hearing, on the earlier occasion i.e on 30.04.2021, this Court had ordered notice in Crl.M.P.(MD).No.3069 of 2021 in Crl.A.(MD).No.174 of 2016, on the absconding accused/A3. After the cancellation of bail only can be heard, therefore, the case was adjourned to today i.e 25.06.2021.

2.Today, 25.06.2021 when the matter is came up for hearing, it is found that the notice was already sent to the A3 at the address mentioned in the earlier petition by A3 himself and it was found



that he was not residing in the mentioned address. The learned Additional Public Prosecutor had obtained VAO certificate from the place of the residence address of A3.

3. Based on the submission, it is found that A3 is absconding and after release on bail he had not complied with the condition to appear before the learned IV Additional Sessions Judge, Madurai prior to the lock down and subsequently, the Court started functional. The Accused A1 and A2 appeared before this Court as well as the IV Additional Session Judge, Madurai. Since, the learned IV Additional Sessions Judge, Madurai did not permit the accused to sign the Court records and the learned judge has wanted order from this Court, they approached this Court by filing in Crl.M.P(MD).No.2894 of 2021 and the same was allowed on 28.04.2021 by directing them to appear before the learned IV Additional Sessions Judge, Madurai from June 2021 onwards regularly.

4. The Learned Additional Public Prosecutor mentioned that A3 is absconding and the police concerned had filed a petition to cancel the bail against A3 in Crl.M.P(MD).No.3069 of 2021.

5. It is seen from the records that the VAO certificate was obtained from the place of residence of A3 at Chennai and the same is recorded. A3 had been released on bail in Crl.M.P(MD).No.4068 of 2016 in Crl.A.(MD).No.174 of 2016 dated 06.09.2016 and the same is cancelled as per order in Crl.M.P.(MD).No.3069 of 2021 in Crl.A.(MD).No.174 of 2016.

6. Accordingly, this petition is ordered.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To,

1.The IV Additional District and Sessions Judge, Madurai.

2.The Principal District and Sessions Judge,
Madurai.

3.The Inspector of Police,
"Q" Branch of CID,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

(To list the Main Crl A(MD)174 of 2016 on 22/07/2021)

CRL.M.P(MD) .No.3069 of 2021
in
Crl.A. (MD) .No.174 of 2016
25.06.2021

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