



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

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Crl.R.C(MD)No.433 of 2021andCrl MP(MD)No.4522 of 2021

Suresh @ Thol Suresh

: Petitioner/ Petitioner

Vs.

State rep. by
The Sub Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
Respondent/Respondent

:

Prayer: Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order, dated 09.04.2021 passed in Crl.MP No.1752 of 2021 on the file of the Learned Judicial Magistrate No.VI, Madurai.

For Petitioner

: Mr.K.Prabhu

for Mr.K.Jeyamohan

For Respondent

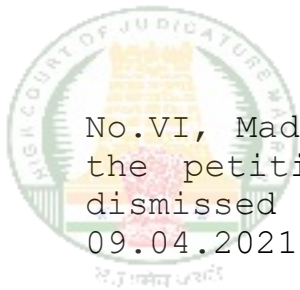
: Mr.P.Kottaichamy

Government Advocate (Crl. side)

J U D G M E N T

This criminal revision is directed against the order, dated 09.04.2021 made in Crl.MP No.1752 of 2021 on the file of the Judicial Magistrate No.VI, Madurai.

2.It is seen from the records that a case in Crime No.2426 of 2020 was registered under sections 363 and 365 of IPC against the petitioner and some others on the allegation that they kidnapped the son of the de-facto complainant namely Kishore in the Innova Car TN-09-AK-9355. The petitioner was arrested and remanded to judicial custody, on 29.12.2020. The petitioner filed a bail petition in Crl.MP No.422 of 2021 before the Judicial Magistrate No.VI, Madurai. The learned Magistrate, by order, dated 25.01.2021 allowed the petitioner and released the petitioner on bail with a condition to appear before the respondent police every day at 10.00 am until further orders. On 23.02.2021, the said condition was modified on the petition filed by the petitioner in Crl.MP No.735 of 2021 and the petitioner was directed to appear before the respondent police every Monday at 10.00 a.m until further orders. Thereafter, the petitioner filed a petition in Crl.MP No.1539 of 2021 seeking relaxation of the condition imposed on him. The said petition was dismissed by the Judicial Magistrate



No.VI, Madurai, on 26.03.2021. The subsequent application filed by the petitioner in Crl.MP No.1752 of 2021 was also came to be dismissed by the Judicial Magistrate No.VI, Madurai, on 09.04.2021. Hence, the petitioner is before this court.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. It is the main contention of the petitioner that the learned Magistrate without putting him on notice, has mechanically cancelled the bail and the learned Magistrate has mechanically passed the impugned order and prays that the impugned order passed by the Magistrate is to be set aside.

5. It is seen from the records that the petitioner has complied with the condition daily till 23.02.2021 and subsequently the condition was modified and the petitioner was directed to appear before the respondent police every Monday at 10.00 am until further orders. Thereafter, petition has been filed by the petitioner seeking further relaxation of the condition on medical grounds. The petitioner has also produced the medical certificate for his illness. However, without considering the medical records, the learned Judicial Magistrate has mechanically cancelled the bail granted to the petitioner. This court is of the considered view that the impugned order passed by the Judicial Magistrate is not correct.

6. In view of that, this criminal revision is allowed. The impugned order, dated 09.04.2021 passed in Crl.M.P No.1752 of 2021 by the Judicial Magistrate No.VI, Madurai, is set aside. The petitioner is directed to comply with the condition as imposed by the learned Judicial Magistrate, dated 23.02.2021, in Crl.MP No.735 of 2021 without any default in future. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar (CS)

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Note :

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



To,

1.The Judicial Magistrate No.VI,
Madurai.

2.The Sub Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai.

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

+1 CC to M/s.J.MARIA RUBIT, Advocate (SR-23987[F] dated 27/07/2021)

Judgment made in
Crl.R.C (MD) No.433 of 2021

26.07.2021

CN(17.08.2021) 3P 5C