



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of November Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr.Justice S.VAIDYANATHAN
and
The Hon`ble Dr.Justice G.JAYACHANDRAN

Crl.M.P(MD)No.10394 of 2021
in
Crl.M.P(MD)No.1096 of 2021
in
Crl.A(MD)No.176 of 2020

THE STATE REP.BY,
THE PUBLIC PROSECUTOR,
MADRAS HIGH COURT,
MADRAS. ON BEHALF OF

THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.
CRIME NO.33 OF 2015.

... PETITIONER/ RESPONDENT / RESPONDENT

Vs

SURESH

... RESPONDENT/ PETITIONER / APPELLANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the bail granted in favour of the respondent vide order dated 05.03.2021 in Crl MP(MD) No.1096 of 2021 in Crl A (MD) No.176/2020 on the file of this Hon'ble court.

Prayer in CRL MP(MD). 1096/ 2021 :

To suspend the sentences passed in SC.No.109 of 2015 dt.12.12.2019 on the file of the learned Sessions Judge, (Fast Track Mahila Court), Srivilliputhur pending disposal of the above said Criminal Appeal.

Prayer in Crl.A(MD)No.176 of 2020:

To call for the records from the Lower Court and duly set aside the judgment passed by the learned Sessions Judge (Fast Track Mahila Court) Srivilliputhur, in his S.C.No.109 of 2015 dated 12.12.2019.

Order : This petition coming up for orders on this day, upon
<https://hccservicescourts.gov.in/eservices/> petition filed in support thereof and upon hearing the



arguments of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor for the petitioner and of M/S.A.BANUMATHY, Advocate on behalf of the Respondent, the court made the following order:-

This application has been filed to cancel the bail granted in Crl.M.P(MD)No.1096 of 2021, dated 05.03.2021 to the Life Convict, viz., Mr.Suresh since he has breached the bail condition.

2. According to the State, which has moved this application for cancellation of bail, the respondent/appellant viz., Suresh was convicted and sentenced to undergo Life Imprisonment and to pay a fine of Rs.10,000/- in default to undergo one year Rigorous Imprisonment for an offence under Section 302 IPC and further convicted and sentenced to undergo 5 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo 6 months Rigorous Imprisonment for an offence under Section 201 IPC by the learned Sessions Judge (Fast Track Mahila Court) Srivilliputhur, Virudhunagar District in S.C.No.109 of 2015, dated 12.12.2019. As against the said order of conviction and sentence, the respondent/appellant filed a Criminal Appeal in Crl.A(MD)No.176 of 2020 and also sought for bail by suspending the sentence, pending appeal.

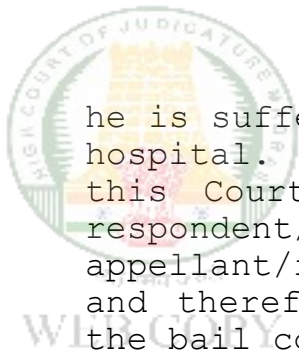
3. Considering the request for suspension of sentence, this Court, granted bail by suspending the sentence vide order, dated 05.03.2021 in Crl.M.P(MD)No.1096 of 2021. While granting bail, this Court has imposed the following conditions:-

"i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like-sum to the satisfaction of the learned Sessions Judge (Fast Track Mahila Court), Srivilliputhur.

ii. The petitioner shall appear before the learned Sessions Judge (Fast Track Mahila Court) Srivilliputhur daily at 10.30 a.m, until further orders.

iii. On any particular date, if the petitioner is not able to appear, leave is granted to the petitioner to file an application under Section 317 Cr.P.C. and appear before the Sessions Judge (Fast Track Mahila Court) Srivilliputhur on any other day, as determined by the said Court, in lieu of the day on which he would absent."

4. It is now reported that the respondent/appellant started to comply with the condition from 29.03.2021 and continued till 12.08.2021 and thereafter, stopped to comply with the condition to the Sessions Court as directed by this Court. However, the petitioner filed an application in Crl.M.P(MD)No.8205 of 2021 for



he is suffered with some Heart ailment recently and admitted in the hospital. That application was came up for consideration before this Court on 10.11.2021 and when the counsel representing the respondent/appellant was asked to produce the medical records of the appellant/respondent, he was not able to produce any medical records and therefore, this Court, dismissed the application for relaxing the bail condition.

5. In the said circumstances, today when the said application for cancellation of bail came up for consideration, the learned counsel appearing for the respondent/appellant would reiterate that the respondent/appellant had suffered Massive Heart Attack and therefore, he was not able to comply with the condition, however, the said submission is not supported by any medical records.

6. This Court is of the view that the reasons stated for non-compliance of the bail condition is not appeared to be a genuine reason. He is not able to produce the iota of evidence to show that he has suffered with some ailment. More particularly, on perusing the application for relaxation of bail condition, this Court finds that the petitioner has not even mentioned the date on which he suffered Heart Attack and where he took treatment and whereabouts of his presence. It is to be noted that this Court, while granting bail by suspending the sentence, has specifically granted leave to the respondent/appellant to file a petition under Section 317 Cr.P.C., whenever, it is not possible for him to comply with the condition. In this case, the appellant/respondent has not even chosen to exercise that option. This clearly shows that he had an intention to breach the bail condition. If he is allowed to stay free, it will be difficult to secure him, if in case, this Court arrive at a conclusion that the appeal preferred by the respondent/appellant deserves to be dismissed.

7. For the above said reasons, this Court finds force in the petition filed by the State to cancel the bail granted to the respondent/appellant on 05.03.2021. Accordingly, this petition is allowed and the bail granted to the respondent/appellant in Crl.M.P (MD)No.1096 of 2021, dated 05.03.2021 is cancelled. The respondent police shall take action to secure the respondent/appellant and lodging him in prison.

sd/-
30/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

- 1 THE SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P(MD)No.10394 of 2021
in
Crl.M.P(MD)No.1096 of 2021
in
Crl.A(MD)No.176 of 2020
Date :30/11/2021

am
MK/PN/SAR.III/03.12.2021/4P/5C