



Crl.M.P.No.7927 of 2022 in Crl.A.No.417 of 2021

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S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

This Criminal Miscellaneous Petition has been filed by the Petitioner for relaxation of the condition imposed on her by order dated 03.02.2022.

2. It is submitted by Mr.R.Sankarasubbu, learned counsel for the Petitioner that the Petitioner has been all along complying with the conditions and there is no disobedience of the order of this Court, in addition to the fact that she has been regularly appearing before the Trial Court on all hearing dates and cooperating for smooth conduct of the Trial. It is further submitted that since she has been taking treatment for her ailments, she finds it difficult to appear before the Special Court daily at 10.30am and therefore, it is pleaded that the condition of appearance may be relaxed.

3. The request for relaxation is strongly objected to by the learned Additional Public Prosecutor, stating that on earlier occasion, the Petitioner



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absconded and pursuant to the issuance of Non Bailable Warrant, she surrendered herself before the Trial Court. It is also brought to the notice of this Court that the Petitioner has shifted her residence without prior intimation and her whereabouts, as of now, are not known to the Police.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. On 03.02.2022, this Court, taking into consideration the fact situation, imposed the following conditions:

“11. The appellant shall file a sworn affidavit in Tamil affixing her signature and thumb impression before the trial Judge stating:

(a) that she owes faith and allegiance to the Constitution of India and that she does not believe in Maoism;

(b)that she does not believe in violence as an ideology;
and

(c) that she would do nothing to subvert the Constitution of India.

On the appellant filing such an affidavit before the Special Court, the appellant shall be enlarged on bail on her satisfying the following conditions:



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i. The appellant shall execute a bond for a sum of Rs.25,000/- with two sureties for like sum each to the satisfaction of the Special Court for Exclusive Trial of Bomb Blast Cases, Poonamallee, Chennai. The appellant should furnish her permanent address and shall inform the trial Court and the respondent about any change in her address.

ii. The sureties should be the blood relatives of the appellant and they shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court may obtain a copy of their Aadhaar card or Bank pass book and mobile numbers to ensure their identity.

iii. She shall appear before the Special Court daily at 10.30 a.m. and sign until further orders.

iv. If the appellant adopts any dilatory tactics during trial, it is open to the Special Court to cancel her bail and remand her to custody as laid down by the Supreme Court in State of U.P. Vs. Shambhu Nath Singh (2001) 4 SCC 667. Though bail has been granted by this Court, as held by the Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283], the Special Court can cancel the bail, if situation warrants. If the appellant absconds, a fresh FIR shall be registered against her under Section 229-A IPC.”

6. In the interest of justice and to have a smooth trial of the case, this Court has imposed the above conditions and though we are not inclined to relax any of the conditions, taking note of the fact that she has to undergo treatment, the condition of appearance before the Special Court alone is modified as under:



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i) The Petitioner shall appear before the Special Court on every Monday at 10:30am and in case Monday, being a holiday, shall appear on the next working day of the week until further orders;

ii) The Petitioner shall appear before the Trial Court on all hearing dates, as undertaken by her and shall not adopt any dilatory tactics to prolong the trial of the case;

iii) The Petitioner shall furnish her Mobile Number to the Trial Court and Police, which shall not be changed till conclusion of the trial, but, however she is at liberty to change her portability / service provider;

iv) The Petitioner shall also produce a copy of the Aadhar Card to the Trial Court;

v) The Petitioner shall provide her present residential address to the Trial Court and Police forthwith and whenever, she changes her residence, it must be informed to the Trial Court and Police well in advance;



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vi) The Petitioner shall not leave Tamil Nadu without prior permission of the Trial Court;

vii) The Special Court shall not grant adjournment beyond 15 working days at any point of time and conduct the trial of the case once in 15 days, so as to bring the grind to a halt as quickly as possible.

With the above modification, this Petition is partly allowed. It is made clear that all other conditions imposed by this Court on 03.02.2022 shall remain unaltered.

(S.V.N.,J.) (A.D.J.C.,J.)
05.07.2022

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