



Crl.R.C.No.1564 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2022

CORAM :

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.1564 of 2022

and

Crl.M.P.No.18901 of 2022

1.Pandeeswari
2.Chellapandi

.. Petitioners

Vs.

State represented by
The Sub Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.
(Crime No.506 of 2022)

..Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the entire records connected with docket order dated 10.11.2022 in C.C.No.114 of 2022 on the file of the learned Judicial Magistrate, Arni and set aside the same as illegal.

For Petitioners : Mr.S.Mohamed Ansar

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)



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CrI.R.C.No.1564 of 2022

ORDER

This Criminal Revision Case is filed against the impugned docket order passed by the learned Judicial Magistrate, Arni in C.C.No.114 of 2022, dated 10.11.2022.

2. The learned counsel for the petitioners contended that the respondent police has registered a case against the petitioners for the offence punishable under Section 379 I.P.C, for having committed a theft of Rs.2,09,000/- on 16.08.2022. The petitioners were arrested and released on bail by the order passed in C.M.P.No.2396 of 2022 dated 14.10.2022 by the Judicial Magistrate, Arni. While granting bail, the Court imposed a condition to appear and sign before the respondent police daily at 10.00 a.m., for one month. Since the petitioners have failed to report before the respondent police, the bail was cancelled by the learned Judicial Magistrate, Arni on 10.11.2022 and a Nonailable warrant has been issued against the petitioners. Since there have been no pre antecedents against the petitioners, the same is sought to be set aside.



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Crl.R.C.No.1564 of 2022

3. The learned Government Advocate (Crl.Side) for the State submitted that the investigation was completed and the case has been taken on filed in C.C.No.114 of 2022, copies also furnished to the petitioners and on violation of bail condition imposed on the petitioners, the learned Judicial Magistrate, Arni, had cancelled the bail and issued N.B.W. on 10.11.2022 against the petitioners.

4. I have considered the submission made by the learned counsel for the petitioners as well as the learned Government Advocate(Crl.Side) for the respondents.

5. Considering the circumstances and the fact that since the petitioners are not having any previous case and there is no bad antecedents against the petitioners, cancellation of bail for not appearing and signing before the respondent police station warrants interference of this Court. Hence, the impugned order passed by the learned Judicial Magistrate is hereby set aside



Crl.R.C.No.1564 of 2022

6. Accordingly, the petitioners are ordered to be released on

bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Learned Judicial Magistrate, Arni**, on condition that each of the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)**, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear before the Court regularly without fail and cooperate with the trial till the completion of the case;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



Crl.R.C.No.1564 of 2022

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. In the result, this Criminal Revision Case is allowed. Consequently, the connected Criminal Miscellaneous Petition is also closed.

14.12.2022

Internet : Yes/No
Index: Yes/No



Crl.R.C.No.1564 of 2022

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To

1. The Judicial Magistrate, Arni

2. The Sub Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.

3. The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.1564 of 2022

V.SIVAGNANAM, J.

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Crl.R.C.No.1564 of 2022

14.12.2022