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Crl.A.No.730 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

Crl.A.No.730 of 2024

1. K.Gopinathan
2. Sugumaran
3. B.Chandrasekar

...Appellants

Vs.

1. The Assistant Commissioner of Police,
Office of the Assistant Commissioner,
SRMC, Chennai.
2. The Inspector of Police,
T-15, SRMC Police Station,
Avadi Commissionerate, Chennai.
Cr.No.877 of 2023.

...Respondents

Criminal Appeal filed under Section 14A of SC & ST Act to set aside the dismissal order passed in Crl.MP.No.2716/2024 dated 23.05.2024 by the learned Vacation Judge (Criminal Side), Thiruvallur and relax the condition that the petitioners should sign before the respondent police station daily by 10.00 a.m., until further orders imposed in Crl.MP.No.1877 of 2024 dated 02.04.2024 on the file of Learned Principal District &



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Sessions Judge, Thiruvallur.

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For Appellants : Mr.K.Madhan

For Respondents : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

This Criminal appeal has been filed seeking quashment of the dismissal order passed in Crl.MP.No.2716/2024 dated 23.05.2024 by the learned Vacation Judge (Criminal Side), Thiruvallur and to consequently relax the condition imposed in Crl.MP.No.1877 of 2024 dated 02.04.2024 on the file of Learned Principal District & Sessions Judge, Thiruvallur.

2. The case of the appellants is that, they were granted bail by the lower Court in CMP.No.1877 of 2024 dated 02.04.2024 in Crime No.877 of 2023 for the alleged offences under section 447, 324, 341 294(b), 427 of IPC @ 477, 323, 324, 341, 294(b), 427, 506(i) of IPC r/w 3(2)(va) of SC/ST (POA) Act 1989, on condition to sign before the respondent police station daily by 10.00 a.m., until further orders. Since the appellants have been complying with the said condition without any default, they filed a



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relaxation petition in Crl.MP.No.2224 of 2024, however, the same was dismissed, vide order of the trial court dated 30.04.2024. Thereby, the appellants filed another relaxation petition in Crl.MP.No.2716 of 2024 and the trial court had mechanically dismissed the said petition as well, vide present impugned order dated 23.05.2024 on the ground that, the investigation is still pending. Aggrieved by the said order, the appellants have come up with the present Appeal.

3. Learned counsel for the appellants submitted that from the date of granting bail, the appellants are scrupulously complying with the conditions imposed by the trial court while granting bail and they are signing before the respondent police daily at 10.00 a.m. for the past 67 days. While so, as the appellants were unable to continue their avocation and as there are certain health ailments, they filed relaxation petition seeking relaxation of certain conditions. However, without considering the said facts, the trial court had mechanically dismissed the same, which is not sustainable. He further submitted that, the investigation is almost completed. Accordingly, he prayed for appropriate orders.



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4. Learned Additional Public Prosecutor appearing for the respondents on instruction, submitted that the appellants have been complying with the conditions without fail.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. In view of the above submission made the learned Additional Public Prosecutor, this Court is of the considered view that the prayer as sought for by the appellants could be acceded to and accordingly, the condition insofar as appearance as imposed by the trial court, vide order dated 02.04.2024 in CMP.No.1877 of 2024 alone stands relaxed and the appellants shall appear before the respondent police as and when required for interrogation. All other conditions remain unaltered.

7. Accordingly, this Criminal Appeal stands allowed.

12.06.2024

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NCC : Yes/No

Index : Yes/No

Speaking order : Yes/No

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2. The Inspector of Police,
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Avadi Commissionerate, Chennai.
3. The Vacation Judge (Criminal Side),
Thiruvallur.
4. The Principal District & Sessions Judge,
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5. The Public Prosecutor,
High Court, Madras.



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M.DHANDAPANI, J.

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