



Crl.R.C.(MD) No.191 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.191 of 2024
and Crl.M.P.(MD) No.2149 of 2024

Premkumar

...Petitioner

Vs.

The Inspector of Police,
Kottampatti Police Station,
Madurai District.

(Crime No.101/2023)

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records in Cr.M.P.No.2177 of 2023 on the file of the learned Judicial Magistrate, Melur dated 01.11.2023 and set aside the same.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

Challenging the cancellation of the bail order dated 01.11.2023 in Cr.M.P.No.2177 of 2023 passed by the learned Judicial Magistrate, Melur, the petitioner is before this Court.

2. It is the case of the prosecution that the petitioner has been granted statutory bail by an order dated 19.06.2023 in Crl.M.P.No.1899 of 2023 on the file of the learned Judicial Magistrate, Melur, pertaining to a case registered in Crime No.101 of 2023 for the alleged offences under Sections 147, 148, 341, 294(b), 307 and 302 of IPC, on condition that he shall appear before the concerned Court on all working days at 10.00 AM until the completion of the stage of committal proceedings. However, he did not comply with the condition imposed by the learned Judicial Magistrate, Melur. Therefore, the respondent police filed the cancellation of bail application in Crl.M.P.No.2177 of 2023 and the same was allowed on 01.11.2023. Challenging the same, the petitioner has preferred the present Criminal Revision.



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3. The main contention of the learned counsel for the petitioner is that while cancelling the bail of the petitioner, learned Judicial Magistrate has recorded that the notice sent to the petitioner was refused by him and the same was affixed on the wall of his house with the aid of the Village Administrative Officer. However, no summon was served on the petitioner and he has not refused to receive the same. He further submitted that the petitioner was trying to obtain bail in another case in Crime No.91 of 2023 and hence, he could not comply with the conditions imposed by the trial Court.

4. On the contrary, the learned Additional Public Prosecutor submitted that except the petitioner herein, all other accused in P.R.C.No. 27 of 2023 are appearing before the trial Court regularly and since he is absconding, warrant has been issued against him pursuant to the cancellation of bail and if the prayer as sought for by the petitioner is to be considered, he should be in a position to surrender before the trial Court within a stipulated time frame as fixed by this Court and to cooperate with the committal proceedings.



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5. Considering the submissions made by learned counsel for the petitioner as well as the learned Additional Public Prosecutor, without going into the merits of the matter, the order impugned dated 01.11.2023 passed by the learned Judicial Magistrate, Melur, in Crl.M.P.No.2177 of 2023, shall be kept in abeyance subject to the following conditions:-

(i) The petitioner shall surrender before the concerned trial Court within a period of ten days from today and cooperate with the committal proceedings; and

(ii) The petitioner shall appear before the concerned trial Court daily at 10.30 a.m.

6. With the above directions, this Criminal Revision is disposed of. Consequently, connected criminal miscellaneous petition is closed.

22.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

PKN

Note: Issue order copy on 23.02.2024.



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To

1.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

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



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VIVEK KUMAR SINGH, J.

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