
(2015) 02 MAD CK 0164
In the Madras High Court
Case No : Criminal R.C. (MD) No. 467 of 2014

Rajkumar

APPELLANT

Vs

The Sub-Inspector of Police and Others

RESPONDENT

Date of Decision : 02-02-2015

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 148, 294(b), 323, 506(ii)

Citation : (2015) 02 MAD CK 0164

Hon'ble Judges : M. Sathyanarayanan, J.

Bench : Single Bench

Advocate : V. Ilanchezian, for the Appellant; S. Prabha, Government Advocate, Advocates for the Respondent

Judgement

M. Sathyanarayanan, J.—The petitioner is the de facto complainant in Crime No. 134 of 2014 registered by the first respondent against the respondents 2 to 6, for the alleged commission of offences under Sections 147, 148, 294(b), 323 and 506(ii) IPC. The Principal Sessions Judge, Tiruchirappalli, vide order dated 20.08.2014 in Cr.M.P. No.1369 of 2014 has granted anticipatory bail, subject to the condition that they shall surrender before the Jurisdictional Magistrate Court on or before 03.09.2014 and on further condition that each of them shall execute a personal bond for a sum of Rs.10,000/- with two sureties each for the like sum to the satisfaction of the Court and also on further condition that they shall report before the first respondent Police Station daily at 10.00 a.m., until further orders, and thereafter they make themselves available for interrogation as and when required by the police.

2. The de facto complainant has filed CrI.M.P. No.1754 of 2014 praying for cancellation of bail on the ground that all the accused did not appear before the first respondent Police Station from 03.09.2014 till the date of filing of the petition on 17.09.2014.

3. The first accused has filed his counter stating amongst other things, that all the accused were complying with the conditions from 28.09.2014 without fail and

a close family friend of the respondents 2 to 6 / accused belonging to Aiyuthakalam Village, Jayankondam Taluk, Ariyalur District, visited him on 03.09.2014 and then a day after, he died and all of them were forced to stay in the house of the deceased till the completion of 16th day ceremonies and hence they could not appear after 03.09.2014. Therefore, the first accused prayed for condonation of absence.

4. The Principal Sessions Court, Tiruchirappalli has taken into consideration the said fact and has recorded a finding that though there has been violation of the order passed by the Court at the initial stage, thereafter the accused have been complying with the direction of the Court, and accordingly thought it fit to administer them with a severe warning and let them off for the present. Citing such reason, the Principal Sessions Court has dismissed the petition filed by the de facto complainant for cancellation of bail, vide order dated 27.10.2014. Aggrieved by the same, the de facto complainant has filed this revision.

5. The learned counsel for the revision petitioner would contend that though the Principal Sessions Court, Tiruchirappalli has granted them bail, having found that the accused had violated the conditions of granting anticipatory bail, has let them off by merely administering them with a warning. Accordingly, the learned counsel for the revision petitioner prays for interference of the impugned order. 6. Per contra, Mrs.S.Prabha, learned Government Advocate (Crl.Side) appearing for the first respondent would submit that subsequently the accused had complied with the conditions, which was also relaxed.

7. The learned counsel for the respondents 2 to 6 / accused, has invited the attention of this Court to the counter statement filed by the second respondent herein / first accused to the application for cancellation of bail and would submit that on account of the reasons stated in Paragraph No. 12, the non-compliance of the condition by all the accused was neither wilful nor wanton and it was only due to reasons which were beyond their control, and the said aspect was also taken into consideration by the Sessions Court, which granted them bail and let them off with a severe warning, and since the discretion has been exercised in a fair and proper manner, the learned counsel for respondents 2 to 6 prays for dismissal of the revision.

8. This Court has carefully considered the rival submissions and also perused the materials available on record before this Court.

9. The fact remains that respondents 2 to 6 / accused, did not comply with the conditions imposed by the Principal Sessions Court, Tiruchirappalli for nearly 20 days. Though they have cited a reason that on account of the death of a close relative, they were forced to stay in the deceased's house till the completion of 16th day ceremonies, the said reason can hardly satisfy this Court for non-compliance of the conditions imposed by the Principal Sessions Court, Tiruchirappalli. This Court is of the view that it would be suffice to direct the respondents 2 and 4 to report before the first respondent Police for some days,

to make good their absence. The respondents 3, 5 and 6 are ladies and therefore, this Court is of the view that they need not be asked to appear before the first respondent.

10. In the result, the Criminal Revision Case is partly allowed and the impugned order dated 27.10.2014 passed in Cr.M.P. No.1754 of 2014 by the Principal Sessions Court, Tiruchirappalli, is set aside and the second respondent / A-1 is directed to appear before the first respondent Police Station daily at 11.00 a.m., for a period of 15 days and the fourth respondent / A-3 is directed to report before the first respondent Police Station daily at 11.00 a.m., for a period of 10 days, from the date of receipt of a copy of this order, and after complying with the conditions, all the accused shall appear before the first respondent Police, as and when required for interrogation.