

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).6138/2009

(From the judgment and order dated 01/07/2009 in CRLMP No. 1/2009 & CRLMP No. 9446/2009 of The HIGH COURT OF MADRAS)

P.THAMIZHARASAN & ANR. Petitioner(s)

VERSUS

STATE TR.INSP.OF POLICE COIMBATORE Respondent(s)

(With appln(s) for exemption from filing O.T.,bail and office report)

Date: 03/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. Ram Jethmalani, Sr.Adv.
M/s Lataa Krishnamurthi, P.R. Mala,
Saurabh Ajay Gupta, Robin David,
Ashish Dixit, Pranav Diesh,
Rajiv Rujus, S. Prabhu, Latika,
Paari, Saki Jakharia, Advs.
Ms. Chandan Ramamurthi,Adv.

For Respondent(s) Mr. S. Thananjayan,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.
The appeal is disposed of.

(S. Thapar)
PS to Registrar

(Vijay Dhawan)
Court Master

The signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2009 OF 2009
(Arising out of SLP(CRL.) No.6138 of 2009)

P. THAMIZHARASAN & ANR. ...APPELLANT (S)

VERSUS

STATE THROUGH INSPECTOR OF POLICE,
COIMBATORE ...RESPONDENT(S)

O R D E R

Leave granted.

The appellants were arrested on 25th April, 2003 for the offence punishable under Sections 147, 188 and 341 of IPC and Section 2 of the Prevention of Insult to the National Honour Act, 1971, in Crime No. 704 of 2009, on the file of the respondent.

The High Court directed the appellants to be released on bail subject to certain conditions like; (a) furnishing a bond for a sum of Rs.10,000/- each with one surety for the like sum to the satisfaction of Judicial Magistrate concerned; (b) each of them shall erect a pole and with the respect hoist the Indian national Flag in front of their respective houses everyday at 6.00 a.m. and with such respect settle it down at 6.00 p.m. for a period of one week;

The controversy in the present appeal centers around condition (c) directing the appellants to report before an orphanage that would be named by the learned Magistrate to perform community service three hours a day. It is difficult to appreciate as to why such a condition has been imposed by the High Court while directing the appellants to be released on bail.

-2-

Condition No. (c) imposed by the High Court directing the appellant to render community service in our considered opinion is totally unsustainable in law.

For the aforesaid reasons, condition No. (c) imposed by the High Court as against appellants is set aside. The appellants shall be released on bail in terms of the modified conditions.

Condition No. (b) that was imposed by the High Court while directing the release shall not to be treated as a precedent for any purposes.

The appeal is disposed of accordingly.

.....J.

[B. SUDERSHAN REDDY]

New Delhi,
November 03, 2009

.....J
[DEEPAK VERMA]