

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.18350 of 2015

1.Kathiravan
2.Kariyaperumal
3.Vijai
4.Aravinth
5.Alagu
6.Pannerselvam
7.Chettiyappan @ Loganathan
8.Beemaraaj
9.Aainju
10.Manikandan
11.Saran

... Petitioners

Vs

State
rep. by the Inspector of Police,
Suramangalam Police Station,
Salem District.

... Respondent

Prayer: Petition filed under Section 439(1)(b) of the Criminal Procedure Code to modify the condition that the petitioners 1 to 7 shall stay at Sankari and report and sign before the learned Judicial Magistrate No.I, Sankari daily twice at 10.00 a.m. and 5.00 p.m. until further orders(for a minimum of 30 days) and on further condition that they shall make available themselves for interrogation as and when required by the investigation officer and that the petitioners 8 to 14 shall stay at Attur and report and sign before the learned Judicial Magistrate No.I, Attur daily twice at 10.00 a.m. and 5.00 p.m. until further orders(for a minimum 30 days) and on further condition that they shall make themselves for interrogation as and when required by the Investigation Officer".

For Petitioners : Mr.S.Ganeshkumar

For Respondent : Mr.M.Mohamed Riyaz
Govt. Advocate(Crl. Side)

ORDER

The learned Principal Sessions Judge, Salem, while granting bail in C.M.P.No.2023 of 2015 dated 03.07.2015, has imposed a condition that the petitioners 1 to 7 shall stay at Sankari and report and sign before the learned Judicial Magistrate No.I, Sankari daily twice at 10.00 a.m. and 5.00 p.m. until further orders(for a minimum of 30 days) and on further condition that they shall make available themselves for interrogation as and when required by the investigation officer and that the petitioners 8 to 14 shall stay at Attur and report and sign before the learned Judicial Magistrate No.I, Attur daily twice at 10.00 a.m. and 5.00 p.m. until further orders(for a minimum 30 days) and on further condition that they shall make themselves for interrogation as and when required by the Investigation Officer".

2. The learned counsel for the petitioners submitted that all the petitioners are collage students and therefore they find it difficult to appear before the learned Judicial Magistrate concerned daily twice at 10.00 a.m., and 5.00 p.m., and hence they may be permitted to appear before the respondent police daily at 6.00 p.m.

3. Heard the learned Government Advocate (crl.side).

4. Considering the facts and circumstances and taking note of the fact that the petitioners have been complying with the conditions promptly, the condition imposed on the petitioners in Crl.M.P.No.2023 of 2015 dated 03.07.2015 on the file of the learned Principal Sessions Judge, Salem is modified to the effect that the petitioners shall report before the respondent police daily at 6.00 p.m. for a period of two weeks and thereafter as and when required for interrogation.

5. In view of the above modification, the Criminal Original Petition is disposed of.

rrg

24.07.2015

This matter having been listed under the caption for Being Mentioned on 21.09.2015 pursuant to the order of this Court dated 24.07.2015 and made herein in the presence of the aforesaid counsels as the either side the Court made the following order:-

S. VAIDYANATHAN, J.

The matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that this Court, by order dated 24.7.2015 has modified the conditions imposed on the petitioners by the learned Principal Sessions Judge, Salem in Crl.M.P.No.2023 of 2015 dated 3.7.2015 to the effect that the petitioners shall report before the respondent police daily at 6.00 p.m., for two weeks and thereafter as and when required for interrogation.

3. He further submitted that in paragraph 4 of the order passed in Crl.O.P.No.18350 of 2015, it has been erroneously recorded that the petitioners have been complying with the conditions promptly as imposed in Crl.M.P.No.2023 of 2015 by the court below. He further submitted that the petitioners are college students and they are not able to appear before respondent police daily at 6.00 p.m., for two weeks.

4. Considering the submissions of the learned counsel for the petitioner, since it has been erroneously recorded that the petitioners have been complying with the conditions and it is brought to the attention of this court that the petitioners are college students, the condition imposed on the petitioners by the Court below is modified to the effect that they shall report before the respondent police for four Sundays at 10.30 a.m. commencing from 26.9.2015 and thereafter as and when required for interrogation. Accordingly the Registry is directed to delete paragraph 4 in Crl.O.P.No.18350 of 2015 and incorporate the following paragraph.

"4. Considering the facts and circumstances of the case and taking note of the fact that the petitioners are college going students, the condition imposed on the petitioners in Crl.M.P.No.2023 of 2015 dated 3.7.2015 on the file of the learned Principal Sessions Judge, Salem is modified to the effect that the petitioners shall report before the respondent police on four Sundays at 10.30 a.m., commencing from 26.9.2015 and thereafter as and when required for interrogation."

***5. Time to comply with the conditions and sureties imposed by the Sessions Court is extended by two weeks from the date of receipt of a copy of this Order.**

Time granted by this Court on 21.09.2015 to execute the order shall stand further extended for a period of two weeks finally from the date on which, the copy of the order is made ready.

21.09.2015

msr

s/d-

Assistant Registrar(CS III)

DATED : 25.09.2015

***Corrected as per being
mentioned order of this Court
dated 08.10.2015 in
Crl.O.P.No.18388 and 18350 of 2015
Sd/- Assistant Registrar(CS III)
Dated : 09.10.2015**

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.1,
Attur. To be substituted to the Order
2. The Principal Sessions Judge,
Salem. already despatched on 03.09.2015
and 30.09.2015
3. The Inspector of Police,
Suramangalam Police Station,
Salem District.
4. The Public Prosecutor,
High Court, Madras
5. The Judicial Magistrate No.II,
Salem.

+ 1 cc to Mr.S.Ganeshkumar, Advocate SR 54683

Crl.O.P.No.18350 of 2015

nm(co)
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CA(28.09.2015)

CA(12.10.2015)