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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2015

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Cr1.O.P (MD) No.19564 of 2015

Pragathesh

: Petitioner/Petitioner

-Vs-

State rep. By
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul, Dindigul District.
(Crime No.565 of 2015)

: Respondent/Respondent

PRAYER: Petition is filed under Section 439(1)(b) of the Code of Criminal Procedure praying to set aside the impugned order passed in Cr.M.P.No.2442 of 2015, dated 23.09.2015 on the file of the Principal Sessions Judge, Dindigul District, as illegal and grant time to the petitioner to execute the sureties in Cr1.M.P.No.2247 of 2015, dated 04.09.2015

For Petitioner : Mr.B.Saravanan

For Respondent : Mrs.S.Prabha

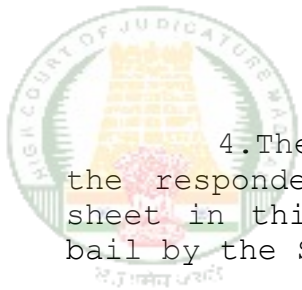
Government Advocate
(Criminal side)

O R D E R

The petitioner, who is arrayed as an accused in Crime No.565 of 2015 on the file of the respondent police was granted anticipatory bail by the Principal Sessions Court, Dindigul in Cr.M.P.No.2247 of 2015, dated 04.09.2015 on the condition that he should appear before the Kaliyakkavilai Police of Kaniyakumari District daily at 10.00 and 05.00 p.m for a period of thirty days and thereafter, he shall appear as and when required for interrogation.

2.The petitioner has filed Cr1.M.P.No.2442 of 2015 before the learned Sessions Court seeking modification of the condition imposed in Cr1.M.P.No.2247 of 2015, dated 04.09.2015, which was dismissed on 23.09.2015 observing that the petitioner has not complied with the condition even for a single day. Challenging the same, the present application is filed.

3.The learned counsel for the petitioner submitted that the petitioner was suffering from acute Bronchitis and he was advised by his Doctor to take rest at least for three months and due to the reason, the petitioner did not furnish sureties and he has not complied with the conditions and seeks modification.



4.The learned Government Advocate (Criminal side) submitted that the respondent has completed the investigation and also laid a charge sheet in this case and the other accused in this case were also granted bail by the Sessions Court.

5.Considering the above facts, this court is inclined to set aside the order passed in Cr.M.P.No.2442 of 2015, dated 23.09.2015 and modify the condition imposed on the petitioner by the learned Sessions Court in CrI.M.P.No.2247 of 2015, dated 04.09.2015 on payment of Rs.10,000/- [Rupees Ten thousand only] payable to the **Akash Age Care Home, 2/428, Sasthiru Nagar, Kottagai Medu Road, Kadachanendal, Kathakinaru (P.O), Madurai 625 107** within a period of one week from the date of receipt of a copy of this order and the petitioner shall report before the respondent police as and when required for interrogation.

6.With the above observation, the criminal original petition is disposed of.

Post for compliance on 29.10.2015.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To.

1. The Principal Sessions Judge, Dindigul.
2. The Inspector of Police, Dindigul Town South Police Station, Dindigul, Dindigul District.
- 3 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Copy to

1. The Inspector of Police, Kaliyakkavilai Police Station, Kanyakumari District.
2. The Officer in Charge, Akash Age Care Home, 2/428, Sasthiru Nagar, Kottagai Medu Road, Kadachanendal, Kathakinaru (P.O), Madurai 625 107
- 3 The Section officer, Criminal Section, durai.

+1cc to M/S.B.Saravanan, Advocate in SR.No 60217

TS/15.10.2015/2P - 8C SK-SKN/SAR -I

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