

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.23979 of 2016

Vijay @ Vijayakumar

... Petitioner

Vs

The State represented by
Inspector of Police
All Women Police Station,
Dharapuram, Tiruppur District. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to modify the condition of the Principal District and Sessions Judge, Tiruppur, order made in Cr1.M.P.No.1070 of 2016, dated 19.10.2016 "the petitioner shall before the respondent police daily twice morning 10.30 a.m. and evening 5.00 p.m. for until further orders."

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to modify the condition of the order dated 19.10.2016 passed by the Principal District and Sessions Judge, Tiruppur, in Cr1.M.P.No.1070 of 2016,.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the State.

3. The petitioner is arrayed as A4 in Crime No.12 of 2016 for offences under Section 498-A, 294-B, 323 and 506(i) IPC. The petitioner has been granted anticipatory bail by the Principal District & Sessions Judge, Tiruppur in Cr.MP.No.1070 of 2016 on 19.10.2016 on condition that he should surrender before the Judicial Magistrate, Dharapuram within 15 days and he should execute a bond for Rs.10,000/- with two sureties for a like sum and appear before the respondent police to sign everyday at 10.30 a.m. and at 5.00 p.m. Challenging the said condition, the petitioner is before this Court.

4. It is seen that A1 in this case was arrested and released on bail. The petitioner is the brother of A1 and there are no serious allegations against the petitioner. Taking into consideration, the facts and circumstances, the bail condition is modified to the effect that the petitioner shall report before the respondent police everyday at 5.00 p.m. for a period of two weeks and thereafter as and when required.

5. Two weeks time is extended from the date of receipt of a copy of this order to surrender before the Judicial Magistrate, Dharapuram and furnish security.

6. It is made clear that bail can be cancelled by the Trial Court following the judgment of the Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

7. However, this Court imposes another condition that if the petitioner absconds after filing of the final report, it is open to the respondent police, to file a fresh FIR against him under Section 229-A IPC. Rest of the conditions imposed by the Principal District and Sessions Judge, Tiruppur shall remain the same.

With the above modifications, this petition is ordered.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1. The Principal District and Sessions Judge,
Tiruppur.
2. The Inspector of Police
All Women Police Station,
Dharapuram, Tiruppur District.
3. The Public Prosecutor, High Court, Madras.

1 cc to Mr.W.Camyless Gandhi, Advocate, Sr. 61683

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