

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.3279 of 2016

Gopalakrishnan

... Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Chennimalai Police Station,
Erode District.
(Crime No.525 of 2015)

... Respondent/Complainant

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to modify the conditions imposed by the learned Principal District and Sessions Judge, Erode by its order dated 29.01.2016 passed in Crl.M.P.No.137 of 2016.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to modify the conditions imposed by the learned Principal District and Sessions Judge, Erode in the order dated 29.01.2016 passed in Crl.M.P.No.137 of 2016.

2.The learned counsel appearing for the petitioner would state that when the petitioner was enlarged on anticipatory bail for the alleged offence punishable under Sections 341, 294(b), 323 and 506(ii) of I.P.C., the learned Principal District and Sessions Judge, Erode imposed the condition that the petitioner shall appear before the District Munsif - cum - Judicial Magistrate Court at Perundurai daily once at 10.30 a.m., until further orders with further condition that the petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

3.The learned counsel appearing for the petitioner would further state that the petitioner is working as a Software Engineer at Chennai and it is very difficult for him to appear before the District Munsif - cum - Judicial Magistrate Court at Perundurai daily once at 10.30 a.m. He would further state that he was appointed on 27.11.2015 and he took charge only on 09.12.2015 and because of previous enmity, a false case has been foisted against him and prays for modification.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

5.Considering the submissions made on either side and the nature of the offence punishable under Sections 341, 294(b), 323 and 506(ii) of I.P.C., this Court is of the view that it is a fit case for modifying the condition that the petitioner shall be directed to appear before the respondent police as and when he was called for interrogation.

6.Accordingly, the condition imposed on the petitioner by the learned Principal District and Sessions Judge, Erode in the order dated 29.01.2016 passed in CrI.M.P.No.137 of 2016 that

'the petitioner shall appear before the District Munsif - cum - Judicial Magistrate Court at Perundurai daily once at 10.30 a.m., until further orders with further condition that the petitioner shall make himself available for interrogation as and when required by the Investigating Officer'

is hereby modified as,

'the petitioner shall appear before the respondent police as and when he was called for interrogation'.

7.With the above modification, this Criminal Original Petition is disposed of.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Principal District and Session Judge,
Erode.

2.The District Munsif-Cum Judicial Magistrate,
Perundurai.

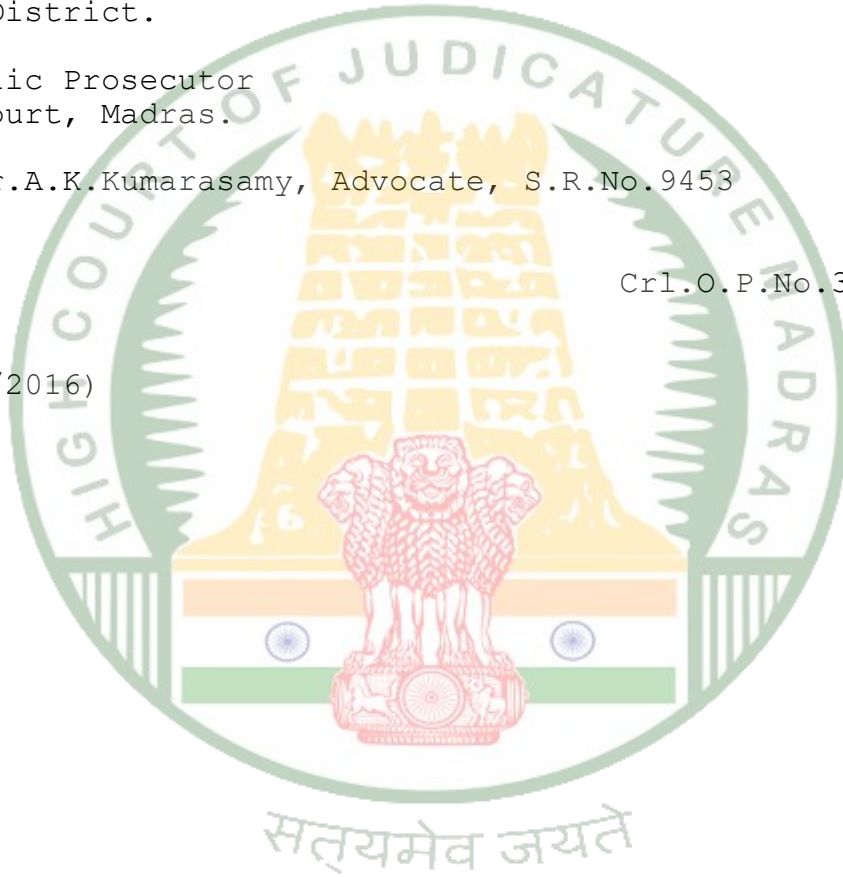
3.The Inspector of Police,
Chennimalai Police Station,
Erode District.

4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.K.Kumarasamy, Advocate, S.R.No.9453

Cr1.O.P.No.3279 of 2016

msm(CO)
srg(23/02/2016)



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