

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4992 of 2016

J.Karthik

.. Petitioner

Vs.

State of Tamil Nadu
rep. by The Inspector of Police,
Thondamuthur Police Station,
Coimbatore.
(Crime No.75/2015)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to modify the condition imposed by the learned Principal District & Sessions Judge, Coimbatore in Crl.M.P.No.3196 of 2015 in Crime No.75 of 2015 and set aside the same by allowing the above Criminal Original Petition.

For Petitioner :Mr.S.Sankaran

For Respondent :Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition to modify the condition imposed by the learned Principal District & Sessions Judge, Coimbatore in Crl.M.P.No.3196 of 2015 in Crime No.75 of 2015 and set aside the same.

2.The learned counsel for the petitioner submits that the petitioner was arrayed as A2 in Crime No.75 of 2015 for the offences under Sections 392 and 397 IPC. The learned Principal District and Sessions Judge, Coimbatore, has granted bail to the petitioner subject to certain conditions. One of the conditions is that the petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties, one of the surety should own property worth about Rs.2,00,000/- in Coimbatore District to the satisfaction of the learned Judicial Magistrate No.VI, Coimbatore. He further submits that since the petitioner is an origin of Tirunelveli and he came to Coimbatore temporarily, he is not in a position to comply the above said condition. Hence, the petitioner has moved a petition in Crl.M.P.No.114 of 2016 for modification before the learned Principal District and Sessions Judge, Coimbatore and the same was dismissed on

12.01.2016. Therefore, the petitioner has come forward with this present application for the above stated relief.

3.Learned Additional Public Prosecutor submits that the petitioner has involved in several cases in Coimbatore District and two of them are (i) a case in Crime No.1279 of 2011 has been registered for the offences under Sections 147, 294(b), 427 and 506(i) IPC on the file of the Vadavalli police station, (ii) another case in Crime No.1299 of 2011 has been registered for the offences under Sections 147, 148, 294(b) and 304 IPC. He further submits that the petitioner is an habitual offender and he has been residing in Coimbatore since 2011. If the modification petition is allowed as sought for by the petitioner, he would abscond from the jurisdiction. Therefore, he prayed for dismissal of this petition.

4.Heard both sides.

5.On perusal of the typed set of papers, it reveals that the petitioner was arrayed as A2 in Crime No.75/2015 for the offences punishable under Sections 392 and 397 IPC. According to the learned Additional Public Prosecutor, the petitioner has been residing in Coimbatore for more than five years and he has been involved in several criminal cases. Under such circumstances, the trial Court has rightly dismissed the modification application filed by the petitioner by considering the decisions reported in 2014 (2) MLJ (Crl.) 74 (Mohammed Subigul Islam Bisvas v. Inspector of Police, Sri Rangam police station, Trichy and 2012 (1) SCC 26 (Sanjay Chandra v. Central Bureau of Investigation). The trial Court, considering the gravity of the offences, has imposed the conditions on the petitioner. Therefore, I do not find any reason to modify the condition imposed on the petitioner, the Criminal Original Petition stands dismissed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

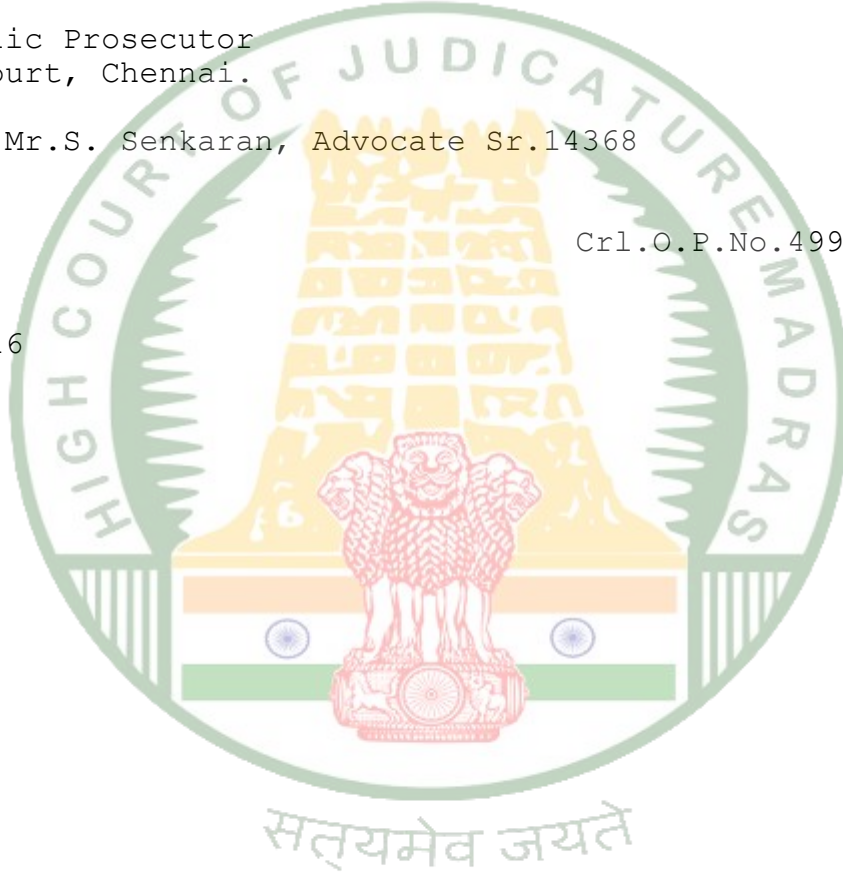
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To

- 1.The Inspector of Police,
Thondamuthur Police Station,
Coimbatore.
 2. The Principal District and Sessions Judge,
Coimbatore
 - 3.The Public Prosecutor
High Court, Chennai.
- + 1 cc to Mr.S. Senkaran, Advocate Sr.14368

Cr1.O.P.No.4992 of 2016

RSY(CO)
EU 18.03.16



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