

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.5092 of 2016

Sivakumar

.. Petitioner

Vs.

State rep. by its Station House Officer
Lawspet Police Station
through Public Prosecutor
Puducherry.
(Crime No.12 of 2016)

.. Respondent

Prayer:- Petition has been filed under Section 482 of Cr.P.C. to direct the learned Principal Sessions Judge, Pondicherry to modify the condition No.1 (i.e.) "the petitioner shall appear and sign before the Station House Officer, Yanam Police Station, Yanam, twice in a day at 10.00 a.m. and 6.00 p.m. for a period of 10 days from the date of his release on anticipatory bail, imposed in CrI.M.P.No.330 of 2016, dated 29.02.2016 in Crime No.12 of 2016 to appear before the Judicial Magistrate No.I, Cuddalore.

For Petitioner : Ms.Pertilla Vincent for
M/S.Vincent and Vincent

For Respondent : Mr.V.Balamurugane
Addl. Public Prosecutor
(Pondicherry)

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O R D E R

This petition is filed to modify the condition imposed in CrI.M.P.No.330 of 2016, dated 29.02.2016 on the file of the learned Principal Sessions Judge, Pondicherry.

2.Learned counsel for the petitioner submits that the petitioner is an accused for the offences punishable under Sections 294(b) and 506(i) IPC in connection with the case in Crime No.12 of 2016. He has moved anticipatory bail in CrI.M.P.No.330 of 2016 on the file of the Principal Sessions Judge, Pondicherry. The said Court by an order dated 29.02.2016 granted anticipatory bail to the petitioner subject

to certain conditions, in which, the first condition is as follows:

"(i) the petitioner shall appear and sign before the Station House Officer, Yanam Police Station, Yanam, twice in a day at 10.00 a.m. and 6.00 p.m. for a period of 10 days from the date of his release on anticipatory bail continuously without fail and then the petitioner shall appear and sign before the respondent police station twice in a day at 10.00 a.m. and 6.00 p.m. continuously without fail until further orders."

3.Learned counsel for the petitioner further submits that the petitioner is the native of Lawspet, Pondicherry. The distance between Pondicherry and Yanam is more than 800 kilometres. It is further submitted that the petitioner has to take care of his daughter, who is studying in Pondicherry. Therefore, it is difficult for him to sign before the police station at Yanam. Hence, the petitioner has come forward with this petition for the above stated relief.

4.Heard the learned Additional Public Prosecutor (Pondicherry).

5.Considering the submissions made on both sides, the petitioner is an accused for the offences under Sections 294 (b) and 506(i) IPC in Crime No.12 of 2016 on the file of the respondent police. It is pertinent to note that the case pertains to family dispute. Under such circumstances, I am of the view, the first condition imposed by the learned Principal Sessions Judge, Pondicherry, is onerous in nature. Hence, it is a fit case to modify the first condition imposed by the learned Principal Sessions Judge, Pondicherry, made in CrI.M.P.No.330 of 2016.

6.Accordingly, the petitioner shall appear and sign before the learned Judicial Magistrate No.I, Cuddalore, daily at 10.00 a.m. for a period of ten days from the date of receipt of a copy of this order, without fail and thereafter, the petitioner shall appear and sign before the learned Judicial Magistrate No.I, Pondicherry, daily at 10.00 a.m., until further orders.

kj

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Station House Officer,
Lawspet Police Station,
through Public Prosecutor,
Puducherry.

2.The Principal Sessions Judge, Pondicherry.

3.The Judicial Magistrate No.I, Cuddalore.

4.The Judicial Magistrate No.I, Pondicherry.

5.The Public Prosecutor, High Court, Pondicherry.

+ 2 ccs to M/S.Vincent and Vincent Advocates Sr 14688/16

KR/9/3/16

Cr1.O.P.No.5092 of 2016



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