

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2016

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Cr1.O.P.No.569 of 2016

1.B.Jegannathan
2.T.Rajesh

... Petitioners/Petitioners/Accused

Vs.

State Rep by
The Inspector of Police,
Madipakkam Police Station,
Crime No.1179/2015

... Respondent/Respondent/Complainant

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to modify the order in Cr1.M.P.37/2016 on the file of Principal Sessions Judge, Chengalpet and modify the same.

For Petitioners : Mr.N.R.Elango
Senior Counsel
M/s.R.Vivekananthan
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed seeking to modify the condition imposed on the petitioners in the order made in Cr1.M.P.No.37 of 2016 passed by the learned Principal Sessions Judge, Chengalpet.

2.The case in Crime No.1179 of 2015 was registered against the petitioners for the alleged offences punishable under Sections 147, 148, 120(b) and 302 of IPC and on 02.06.2015, they were arrested by the respondent police and remanded to judicial custody. They were also detained by the respondent under Act 14 of 1982. On 16.10.2015, the petitioners filed a petition before the learned Principal Sessions Judge, Chengalpet to enlarge them on bail and bail was granted to the petitioners on condition that the petitioners should appear before the respondent police daily at 10.30 a.m.

3. In the meantime, a Writ of Habeas Corpus was filed by the petitioners in H.C.P.No.1866 of 2015 and it was also allowed by this Court with an observation that the petitioner should file an affidavit of undertaking that they will appear for all the hearings connected with the case. Accordingly, the petitioners have also filed the affidavit of undertaking before the concerned court. Thereafter, the petitioners filed Crl.M.P.No.37 of 2016 seeking to relax the condition imposed in Crl.M.P.No.2919 of 2015 before the learned Principal Sessions Judge, Chengalpet, namely, "to appear before the respondent police". But, instead of relaxing the condition, the learned Principal Sessions Judge, Chengalpet, modified the condition and the petitioners were directed "to report before the Thiruvannamalai Town Police Station daily at 10.30 a.m., until further orders". Hence, this petition.

4. Heard the learned Additional Public Prosecutor.

5. Considering the factual aspect that the petitioners have already filed the affidavit of undertaking that, they will appear for all the hearings connected with the case, before the concerned court, this Court is of the view that, the condition imposed by the learned Principal Sessions Judge, Chengalpet in Crl.M.P.No.37 of 2016 is to be totally relaxed. Accordingly, the condition imposed in Crl.M.P.No.37 of 2016 by the learned Principal Sessions Judge, Chengalpet is totally relaxed. However, the petitioners shall appear before the concerned Court for all the hearings as per the affidavit of undertaking.

6. The criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Chengalpet

2.The Inspector of Police,
Madipakkam Police Station,
Crime No.1179/2015

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Vivekananthan, Advocate, S.R.No.1643

Cr1.O.P.No.569 of 2016

ctk(CO)
srg(12/01/2016)



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