



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2016

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THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

Crl.O.P.(MD).No.10269 of 2016

1. K. Thavasi
2. S. Masanam

... Petitioners

Vs.

State through the
Sub Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

... Respondent

PRAYER: Criminal Original Petitions are filed under section 439(1) (b) of CR.P.C praying to modify the condition imposed on the petitioners in Crl.M.P.No.3017 of 2011 by the learned Principal Sessions Judge, Madurai on 26.08.2011.

For Petitioners : Mr.K.Mahendran
For Respondent : Mr.P. Kannitheven
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition seeking modification of the condition imposed on the petitioners in Crl.M.P.No.3017 of 2011, by the learned Principal Sessions Judge, Madurai, on 26.08.2011.

2. The petitioners charged for offences under Sections 193,406,418,420,423 and 465 of IPC. The petitioners filed Crl.M.P.No.3017 of 2011 on the file of the Principal Sessions Judge, Madurai. By order dated, 26.08.2014, the learned Principal Sessions Judge, Madurai, granted anticipatory bail to the petitioner on condition that the petitioners shall regularly appear before the learned trial Magistrate on all hearing dates without fail. Now, the petitioners have come out with the present petition for modification of the above said condition.

3.The learned counsel for the petitioner submitted that charge sheet filed in C.C.No.209 of 2011 and the petitioners are permanent resident of Usilampatti and they will not tamper with evidence. Due to their ill health condition, it is very difficult for them to appear before the Court for all the hearings.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Government Advocate (Crl. Side) submitted that



charge sheet filed and after committal proceedings trial will be commenced. The presence of the accused persons are necessary for proceeding of trial.

5. I have heard the learned counsel appearing on either side.

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6. Considering the contention of the learned counsel for the petitioners and the learned Government Advocate (CrI. Side) that the petitioners are complying with the condition from 2011 and that the petitioners are aged persons, this Court is inclined to modify the condition imposed on the petitioners that the petitioners shall appear before the trial Court as and when summon so ordered by the learned trial Judge.

7. Accordingly, the Criminal Original Petition is ordered.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge, Madurai
2. The Sub Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.K.MAHENDRAN, ADVOCATE IN SR No. 33212

TRP

TE/SKS-RR/ : 11/07/2016 : 2P/5C

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