



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

Cr1.O.P (MD) No.20195 of 2016

Jothibasur : Petitioner/ Accused No.2

Vs.

State through by
The Inspector of Police,
Vadakadu Police Station,
Pudukottai District.
(Crime No.135 of 2016)

: Respondent/ Complainant

Prayer: Criminal Original Petition is filed under Section 439(1) (b) of the Criminal Procedure Code praying to modify the condition to appear before the Judicial Magistrate, Keeranoor instead of to appear and sign before the respondent police daily at 10.00 a.m. for the period of one month in Cr1.M.P.No.3480 of 2016, dated 18.08.2016 on the file of the learned Judicial Magistrate, Alangudi and allow this petition.

For Petitioner : Mr.R.Maheswaran

For Respondent : Mr.A.P.Balasubramani,
Government Advocate (Cr1.side).

O R D E R

This petition has been filed praying to modify the condition with regard to appearance before the respondent police, imposed on the petitioner in the order, dated 18.08.2016 passed in Cr.M.P.No.3480 of 2016 by the learned Judicial Magistrate, Alangudi.

2.It is averred in the petition that the petitioner has been arrayed as an accused in Crime No.135 of 2016 on the file of the respondent police for the offence punishable under Section 379 IPC and he was arrested and remanded to judicial custody on 08.07.2016. The petitioner has moved a petition before the learned Judicial Magistrate, Alangudi in Cr.M.P.No.3480 of 2016 for bail and the learned Judicial Magistrate, Alangudi, after hearing both sides, granted bail to him with certain conditions vide order dated 18.08.2016 and one of the said conditions is that



the petitioner should report and sign before the respondent police daily 10.00 a.m. for a period of one month and thereafter as and when necessary for interrogation.

3. The learned counsel for the petitioner submitted that the petitioner is unable to comply with the condition to appear before the respondent police as he is facing five cases in different crime numbers and that he has been granted the relief of bail in all the five cases and therefore he may be permitted to sign before the learned Judicial Magistrate, Keeranoor, as there is a dispute between the petitioner and the police and the police is foisting false cases against the petitioner.

4. Refuting the above said submission, the learned Government Advocate (Cr1.Side) submitted that the petitioner is a habitual offender and he has involved in several cases and the present cases numbering is an ample proof to dispute the contentions made on the side of the petitioner and therefore the condition imposed on the petitioner requires no interference.

5. Since the learned Judicial Magistrate, Alangudi granted bail to the petitioner, he will have to comply with the conditions imposed on him. Considering the fact that he is facing five cases in different crime numbers, the condition imposed on the petitioner with regard to appearance before the respondent police, by the learned Judicial Magistrate, Alangudi, is modified to the effect that the petitioner shall report and sign before the learned Judicial Magistrate, Alangudi daily at 10.30 a.m. until further orders and the other conditions remain unchanged and this Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

smn

To

1. The Judicial Magistrate, Alangudi.
2. The Inspector of Police,
Vadakadu Police Station, Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

JAM/16.11.16/CK/ 2p-4c