



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2016

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

CrI.O.P.(MD)No.22414 of 2016

S.Ganesan

... Petitioner

Vs.

The State of Tamil Nadu,
Rep.by its
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

... Respondent

PRAYER: Petition is filed under Section 439(1)(b) of the Code of Criminal Procedure, to set aside the condition Nos.2 and 3 in the order dated 18.11.2016 passed in Cr.M.P.No.2976 of 2016 by the II Additional Sessions Judge (PCR), Tirunelveli.

For Petitioner : Mr.N.Madhava Govindan
For Respondent : Mrs.S.Prabha,
Government Advocate (CrI. Side)

O R D E R

The petitioner has come forward with the present Criminal Original petition to set aside the condition Nos.2 and 3 imposed in the order dated 18.11.2016 in Cr.M.P.No.2976 of 2016 passed by the II Additional Sessions Judge (PCR), Tirunelveli.

2.The petitioner filed a petition in Cr.M.P.No.2976 of 2016 seeking bail before the II Additional Sessions Judge (PCR), Tirunelveli and the learned Sessions Judge, by order dated 18.11.2016 granted an interim bail till 16.12.2016 by imposing the following conditions:

"1)that he shall execute a bond for Rs.15,000/- along with two sureties for the likesum each to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli,

2)that the petitioner / accused is directed to appear and sign before the learned Judicial Magistrate No.I, Arani daily at 10.00 am and 5.00 pm until further orders on all working day and to appear and sign before the DSP, Arani at 10.00 am and 5.00 pm until further orders on all holidays.



3)and shall not leave Arani till the period of observation of condition bail."

3.The learned counsel for the petitioner submitted that a case in in C.C.No.155 of 2010 was ended in acquittal on 18.02.2016 and another case in Crime No.206 of 2014 was ended in compromise in the year 2014 itself. However, the same was not brought to the knowledge of the Court below at the time of granting interim bail.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent.

5.Considering the facts and circumstances of the case and also taking note of the fact that one case was ended in acquittal and the another one is ended in compromise, this Court is inclined to modify the condition No.2 alone. Accordingly, the petitioner shall appear before the Judicial Magistrate concerned on first working day of every week at 10.00 a.m. and also appear before the Assistant Commissioner of Police, Perumalpuram at 10.00 a.m. on all Sundays until further orders. The Criminal original Petition is ordered accordingly.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The II Additional Sessions Judge (PCR), Tirunelveli.

2.The Judicial Magistrate No.I, Arani

3.The Judicial Magistrate No.I, Tirunelveli

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

5.The Assistant Commissioner of Police
Perumalpuram

6.The Deputy Superintendent of Police, Arani

+1cc to Mr.N.Madhava Govindan, Advocate Sr.No.72784

nbj

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