

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.9094 of 2016

ORDER:

This petition is filed by the petitioner – Accused No.4 under Section 439 r/w.482 of Criminal Procedure Code seeking to relax the condition imposed against him by the Court below.

Heard and perused the material available on record.

The case of the petitioner is that he is arrayed as A4 in Crime No.50 of 2015 on the file of Obulavaripalli Police Station. He was granted regular bail by the III Additional District Judge, Kadapa vide order, dated 23.02.2016 in CrI.M.P. No.113 of 2016. While granting bail to the petitioner, the learned Sessions Judge directed him to appear before the Station House Officer, Railway Kodur Police Station on every Monday and Thursday in between 5 to 8 p.m., until further orders. Thereafter, the petitioner filed CrI.M.P. No.397 of 2016 before the Court below seeking to relax the above condition. The Court below modified the said condition and directed the petitioner to appear before the said SHO on every Monday. Again the petitioner filed CrI.M.P. No.573 of 2016 to relax the said condition. The Court below dismissed the said application vide order, dated 11.05.2016. Hence, this revision.

Learned counsel for the petitioner submitted that the petitioner is complying with the condition imposed by the Court below and he is resident of Gurgaon, Haryana State, and he is facing lot of hardship since he is compelled to stay at Kadapa and in the cases of co-accused the conditions were relaxed and he is ready to appear before the Court concerned, as and when his presence is required, and hence, he requested to relax the condition imposed against the petitioner.

Learned Additional Public Prosecutor opposed this application

on the ground that if the said condition is relaxed, the petitioner may not appear before the Court concerned to face the trial of the case.

Considering the facts and circumstances of the case and also taking into consideration the submissions of both the learned counsel, this Court is inclined to pass the following order:

“The petitioner is directed to appear before the Station House Officer, Railway Kodur Police Station, Kadapa District. on first Monday of every month between 10.00 a.m., and 5.00 p.m., until further orders.”

With the above modification, the Criminal Petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

July 01, 2016.
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