

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM

THE HONOURABLE MR. JUSTICE N.AUTHINATHAN

CRL.O.P.No.22155 of 2017

V.Kulothunga Chozhan

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Nandambakkam Police Station.
Chennai.

...Respondent/Complainant

PRAYER : This Criminal Original Petition has been filed seeking to modify the condition that the petitioner shall appear before the trial Court on the date of hearings either in person or through a petition without fail instead of the petitioner shall appear before the trial court daily at 10.30.a.m. for a period of 30 days and all future hearings without fail as imposed in the bail order in Crl.M.P.No.5191 of 2011 dated 06.10.2011.

For Petitioner : Mr.M.Ravikumar

For Respondent : Mr.B.Ramesh Babu

Additional Public Prosecutor

O R D E R

The petitioner herein was granted bail by the learned Magistrate on 06.10.2011 in Crl.M.P.No.5191 of 2011 on health grounds. While granting bail, the learned Magistrate has imposed condition to the effect that the petitioner should appear before trail court, daily at 10.30a.m. for a period of 30 days. Seeking to modify the same, the present petition has been filed.

2.Learned counsel for the petitioner would submit that the petitioner is suffering from several age related ailments, including heart attack and therefore, he was unable to comply with the condition imposed by the learned Magistrate.

3.Learned Additional Public Prosecutor has pointed out that the petitioner has not complied with the condition imposed by the trial court. However, there is no dispute that the petitioner is aged 70 years and he is suffering from several ailments.

4.It is significant to note that the petitioner was granted bail by the learned Magistrate on health grounds. The petitioner has also executed the bond with two sureties for his appearance before the Trial Court. Having regard to the health condition of the petitioner and the fact that he has also executed the bond before the trial court, I am inclined to delete the condition imposed by the learned Magistrate that he should appear before the trial court daily at 10.30.a.m. for a period of 30 days alone. It is made clear that except the above modification, all other conditions imposed by the learned Magistrate shall remain unaltered.

5.With the above modification, this Criminal Original Petition is allowed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To,

1. The Inspector of Police,
Nandambakkam Police Station.
Chennai.

2. The Judicial Magistrate, Alandur.

3. The Addl.Public Prosecutor,
High Court, Madras 104.

+ 1 cc to Mr.M.Ravikumar, Advocate Sr.No.74347

CO(RJ)
VS 14/11/2017

CRL.O.P.No.22155 of 2017