

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.15147 of 2017

IN CRL A.297/2016

KUNDAMANI @ GANESAMOORTHY

[PETITIONER]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PUDUCHATHIRAM POLICE STATION,
CUDDALAORE DISTRICT.
CR.NO.40/2004

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to relax the condition imposed on the petitioner in Crl.M.P.No.6924 of 2016 in Crl.A.No.297 of 2016 dated 28.06.2016 passed by this Hon`ble Court

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.G.PUGAZHENTHI, Advocate for the petitioner and of MR. K.MATHAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

It is seen that this Court, by order dated 22.04.2016, in Crl.M.P.No.4721 of 2016 in Crl.A.No.297 of 2016, suspended the sentence and granted bail to the petitioner on certain conditions, one of which is that the petitioner shall appear before the learned II Additional Sessions Judge, Chidambaram, daily at 10.30 a.m until further orders.

2.The petitioner filed Crl.M.P.No.6924 of 2016 in Crl.A.No.297 of 2016, for relaxation of the said condition and this Court, by order dated 28.06.2016, modified the said condition and directed the petitioner to appear before the learned II Additional Sessions Judge, Chidambaram, on the first working day of every month at 10.30 a.m.

3.While so, the petitioner filed the present petition for complete relaxation.

4. In the opinion of this Court, when the appeal against conviction is pending, complete relaxation of the bail condition cannot be granted. However, when the petitioner is not able to appear as directed by this Court in the order dated 28.06.2016, on

any particular day, he may file an application through his counsel under Section 317 of the Code of Criminal Procedure for condoning his absence and shall appear before the said Court on another date in lieu of his absence.

5. With the above observation, this Criminal Miscellaneous petition is closed.

-sd/-
04/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE II, ADDITIONAL SESSIONS
JUDGE, CHIDAMBARAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PUDUCHATHIRAM POLICE STATION,
CUDDALAORE DISTRICT.

+1C.C. to M/S.G.PUGAZHENTHI Advocate on payment of necessary charges SR NO.21962

Order

in
CRL MP.15147/2017

in
CRL A.297/2016

Date :04/12/2017

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

MK:08/12/2017