

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.12.2017

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THE HONOURABLE MR. JUSTICE N.AUTHINATHAN

Crl.O.P. Nos.28602 to 28613 of 2017

Raja @ Candle Raja .. Petitioner
[in Crl.O.P.Nos.28602
to 28613 of 2017]

versus

State, represented by the
Inspector of Police,
Mayiladuthurai Police Station.
[Crime Nos.459, 458, 460,
457 & 461 of 2017] .. Respondent
[Crl.O.P.Nos.28602,
28605 to 28608 of 2017]

State, represented by the
Inspector of Police,
Velankanni Police Station.
[Crime Nos.223, 145 &
196 of 2017] .. Respondent
[Crl.O.P.Nos.28603,
28609 & 28611 of 2017]

State, represented by the
Inspector of Police,
Sirkazhi Police Station.
[Crime Nos.297, 296 &
298 of 2017] .. Respondent
[Crl.O.P.Nos.28604,
28612 & 28613 of 2017]

State, represented by the
Inspector of Police,
Thittacherry Police Station.
[Crime No.289 of 2017] .. Respondent
[Crl.O.P.No.28610 of 2017]

PRAYER in Crl.O.P.No.28602 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 04.10.2017, passed in Crl.M.P.No.5246 of 2017 on the file of the learned Judicial Magistrate No.I, Mayiladuthurai in Cr.No.459 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28603 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 25.09.2017, passed in Crl.M.P.No.4119 of 2017 on the file of the learned Judicial Magistrate No.I, Nagapattinam in Cr.No.196 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28604 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 05.10.2017, passed in Crl.M.P.No.6674 of 2017 on the file of the learned Judicial Magistrate, Sirkazhi in Cr.No.297 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28605 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 04.10.2017, passed in Crl.M.P.No.5245 of 2017 on the file of the learned Judicial Magistrate No.I, Mayiladuthurai in Cr.No.458 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28606 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 04.10.2017, passed in Crl.M.P.No.5247 of 2017 on the file of the learned Judicial Magistrate No.I, Mayiladuthurai in Cr.No.460 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28607 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 04.10.2017, passed in Crl.M.P.No.5244 of 2017 on the file of the learned Judicial Magistrate No.I, Mayiladuthurai in Cr.No.457 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28608 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 04.10.2017, passed in Crl.M.P.No.5248 of 2017 on the file of the learned Judicial Magistrate No.I, Mayiladuthurai in Cr.No.461 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28609 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 25.09.2017, passed in Crl.M.P.No.4117 of 2017 on the file of the learned Judicial Magistrate No.I, Nagapattinam in Cr.No.145 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28610 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 24.10.2017, passed in Crl.M.P.No.2908 of 2017 on the file of the learned District and Sessions Judge, Nagapattinam in Cr.No.289 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28611 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 25.09.2017, passed in Crl.M.P.No.4118 of 2017 on the file of the learned Judicial Magistrate No.I, Nagapattinam in Cr.No.196 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28612 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 05.10.2017, passed in Crl.M.P.No.6675 of 2017 on the file of the learned Judicial Magistrate, Sirkazhi in Cr.No.296 of 2017 on the file of the respondent police.

PRAYER in Crl.O.P.No.28613 of 2017 : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the order dated 05.10.2017, passed in Crl.M.P.No.6673 of 2017 on the file of the learned Judicial Magistrate, Sirkazhi in Cr.No.298 of 2017 on the file of the respondent police.

For Petitioner	:	Mr.G.Padmanaban
[in Crl.O.Ps.]		for M/s.G.Nirmal Krishnan
For Respondent	:	Mr.B.Ramesh Babu
[in Crl.O.Ps.]		Government Advocate (crl.side)

* * * * *

COMMON ORDER

The petitioner [in Crl.O.P.Nos.28604, 28612 & 28613 of 2017] was granted bail by the learned Judicial Magistrate, Sirkazhi in Crime Nos.296, 297 and 298 of 2017 respectively pending on the file of Sirkazhi Police Station, subject to the condition that he should appear before the respondent police daily at 10.30a.m. for a period of 30 days.

2. The petitioner [in Crl.O.P.Nos.28603, 28609 & 28611 of 2017] was granted bail by the learned Judicial Magistrate No.I, Nagapattinam in Crime Nos.196, 145 and 223 of 2017 respectively pending on the file of Velankanni Police Station, subject to the condition that he should appear before the learned Judicial Magistrate No.I, Nagapattinam daily at 10.00a.m. for a period of 30 days.

3. The petitioner [in Crl.O.P.Nos.28602, 28605 to 28608 of 2017] was granted bail by the learned Judicial Magistrate No.I, Mayiladuthurai in Crime Nos.457, 458, 459, 460 and 461 of 2017 respectively pending on the file of Mayiladuthurai Police Station, subject to the condition that he should appear before the respondent police daily at 10.00a.m. for a period of 30 days.

4. The petitioner [in Crl.O.P.No.28610 of 2017] was granted bail by the learned District and Sessions Judge, Nagapattinam in Crime No.289 of 2017 pending on the file of Thittacherry Police Station, subject to the condition that he should appear before the learned Judicial Magistrate No.II, Nagapattinam daily at 10.00a.m. until further orders. Aggrieved by the orders of the said conditions, the present petitions had been filed to modify the same.

5. The learned counsel appearing for the petitioner would submit that in view of the conditions directing the petitioner to appear before several Courts and Police Stations, he is unable to comply with the conditions simultaneously and hence, he pleaded for modification of the said conditions, so as to enable the petitioner to comply with any one of the above mentioned conditions.

6. Heard the learned Government Advocate [Criminal Side] appearing for the respondent.

7. I have perused the orders of the Trial Court. It appears from the records that the learned Sessions Judge directed the petitioner to appear before the learned Judicial Magistrate No.II, Nagapattinam daily at 10.00a.m. until further orders in a case under Section 307 of IPC. Having regard to the difficulties expressed by the petitioner and taking note of the fact that the Trial Court has imposed other conditions to ensure the petitioner's presence at the trial, I am inclined to modify the conditions. Accordingly, the conditions imposed by the learned District and Sessions Judge, Nagapattinam, Judicial Magistrate, Sirkazhi, Judicial Magistrate No.I, Nagapattinam and Judicial Magistrate No.I, Mayiladuthurai, are modified to the effect that "the petitioner shall report before the Mayiladuthurai Police Station, daily at 10.30a.m. for a period of two months from the date of his release in all cases". The other conditions shall remain unaltered.

8. With this direction, these Criminal Original Petitions are disposed of.

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Index : Yes / No

Internet : Yes

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To

- 1.The District and Sessions Judge,
Nagapattinam.
- 2.The Judicial Magistrate,
Sirkazhi.
- 3.The Judicial Magistrate No.I,
Nagapattinam.
- 4.The Judicial Magistrate No.I,
Nagapattinam.
- 5.The Judicial Magistrate No.I,
Mayiladuthurai.
- 6.The Inspector of Police,
Government of Tamil Nadu,
Mayiladuthurai Police Station.
- 7.The Inspector of Police,
Government of Tamil Nadu,
Velankanni Police Station.
- 8.The Inspector of Police,
Government of Tamil Nadu,
Sirkazhi Police Station.
- 9.The Inspector of Police,
Government of Tamil Nadu,
Thittacherry Police Station.
- 10.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.



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N.AUTHINATHAN, J.

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