



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.A. (MD) No.483 of 2017

1.Seenivasan
2.Sudalaikannu
3.Subbiah

... Petitioners

Vs.

The State,
Rep.by Sub Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No.118 of 2017).

... Respondent

PRAYER: The Petition filed under Section 14-A (2) of the SC & ST (POA) Act, 1989 as amended by Act 1 of 2016 to allow this Criminal Appeal in so far as condition Nos.2 & 3 are concerned made in Crl.M.P.No.3075 of 2017 dated 04.11.2017 passed by the learned II Additional Sessions Judge, Tirunelveli and set aside the same.

For Petitioners : Mr.A.S.Vaigunth
For Respondent : Mr.C.Mayilvahana Rajendren, APP

JUDGMENT

This Criminal Appeal has been filed to modify the condition Nos.2 & 3 imposed in Crl.M.P.No.3075 of 2017 dated 04.11.2017 by the learned II Additional Sessions Judge, Tirunelveli and set aside the same.

2.The learned counsel for the petitioners is present. Mr.C.Mayilvahana Rajendren, Additional Public Prosecutor takes notice for the respondent herein. Heard both sides.

3. The present Criminal Appeal is preferred against the order passed by the learned II Additional Sessions Judge in-charge of the I Additional Sessions Judge (PCR), Tirunelveli by granting bail in respect of Section 307 of IPC and Sections 3 (1) (X) (w), 3 (2) (va)



of SC/ST (POA) Amendment Act, 2015 regarding the conditions No.2 & 3 imposed by the Court below.

4.The Court below has imposed the above said conditions, directing the petitioners to appear and sign before the learned Judicial Magistrate No.I, Thiruvallur at 10.00 am and 05.00 pm on all working days and on holidays, directed to appear and sign before the DSP, Thiruvallur at 10.00 am and 05.00 pm until further orders and further, directed the petitioners under Section 10 of SC/ST (POA) Act, they shall not to enter into Thoothukudi District for a period of three months.

5.The learned counsel for the petitioners submitted that the above conditions are causing inconvenience to the petitioners, who are residing at Thoothukudi District and the condition No.2 is an onerous one. The learned counsel for the petitioner has conceded the conditions No.3 by the Court below exercising the powers under Section 10 of SC/ST (POA) Act and also commission of offences under Section 307 of IPC and also SC/St Act.

6.The learned Additional Public Prosecutor appearing for the respondent would submit on instructions that he has no serious objection to relax the condition No.2 of the bail order.

7.Considering the reasons assigned in this petition and also the interest of the justice, this Court is inclined to modify the condition No.2 by directing the petitioners to stay at Virudhunagar District and to appear and sign before the learned Principal Sessions Judge, Srivilliputhur daily at 10.30 am until further orders and other conditions are unaltered. The Criminal Appeal is ordered accordingly.

Sd/-
Assistant Registrar (CO)



To

1. Sub Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No.118 of 2017).

2. The Learned II Additional Sessions Judge,
Tirunelveli.

3. The Judicial Magistrate, Sathankulam.

4. The Inspector of Police, Thattarmadam Police Station.

5. The Superintendent, Central Prison, Palayankottai.

6. The Judicial Magistrate No.I, Thiruvallur.

7. The Deputy Superintendent of Police, Thiruvallur.

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

Crl.A. (MD) No.483 of 2017
04.12.2017

gns

SDS/SV:MMS/SAR 4/18.12.2017/3P/9C