

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED**Cr1.OP(MD)No.10608 of 2017**

1.Kalaiselvi
2.Sivaraman @ Sivarama Perumal
3.Murugan
4.Thilagavathi
5.Jeyanthi

: Petitioners

Vs.

The state of Tamil Nadu Rep.by
The Sub-Inspector of Police,
South Thamaraikulam Police Station,
South Thamaraikulam
Crime No.150/2017 of
South Thamaraikulam Police Station

: Respondent

Prayer: Petition is filed under Section 439(1)(b) of Cr.P.C., praying to set aside the order passed by the learned Sessions Judge, Kanyakumari District at Nagercoil, dated 01.08.2017 in Cr1.M.P.No.2680 of 2017 and to modify the condition imposed in Cr1.M.P.No.2480 of 2017, dated 18.07.2017 on the file of the learned District Sessions Judge, Kanyakumari District at Nagercoil in Cr1.M.P.No.2480 of 2017, dated 18.07.2017 and permit the petitioners to abide the condition by reporting before the respondent Police.

For Petitioners : Mr.E.V.N.Siva

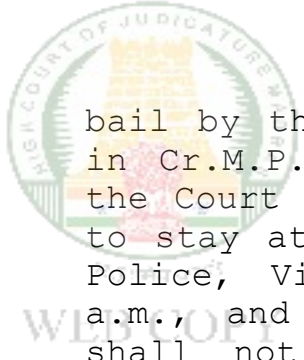
For Respondent : Mr.A.Ramar

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to set aside the order passed by the learned Sessions Judge, Kanyakumari District at Nagercoil, dated 01.08.2017 in Cr1.M.P.No.2680 of 2017 and to modify the condition imposed, permitting the petitioners to abide the condition by reporting before the respondent Police.

2. The petitioners are arrayed as A1 to A5 respectively in Crime No.150 of 2017 on the file of South Thamaraikulam Police Station. The petitioners were granted the relief of anticipatory



bail by the Court of Sessions, Kanyakumari District at Nagercoil in Cr.M.P.No.2680 of 2017 and while granting anticipatory bail, the Court imposed one of the conditions directing the petitioners to stay at Virudhunagar, appear and sign before the Inspector of Police, Virudhunagar Town Police Station daily twice at 10.00 a.m., and 6.00 p.m., until further orders and the petitioners shall not leave the Virudhunagar Town Police Station limit, without permission of the Inspector of Police, Virudhunagar Town Police Station. The Petitioners shall not enter into Kanyakumari District without permission of that Court.

3. The learned counsel appearing for the petitioners states that the first petitioner herein is a widow having two children, the daughter is aged about 19 years and a minor son is aged about 17 years, who is studying in a School at Agasteeswaram, Kanyakumari District; that the 2nd and 5th petitioners are husband and wife respectively and they are having one minor daughter child and one minor son studying in a School; that the 3rd and 4th Petitioners are husband and wife respectively and they are having a minor son studying in a School at Agasteeswaram, Kanyakumari District.

4. It is admitted that, as per the anticipatory bail order, the petitioners have not chosen to comply the conditions so far, since the children of the petitioners are studying at Agasteeswaram, Kanyakumari District. The petitioners are unable to comply the condition imposed by the Court, directing them to stay at Virudhunagar and sign before the Inspector of Police, Virudhunagar Town Police Station daily twice at 10.00 a.m., and 6.00 p.m., until further orders.

5. Considering the above facts and circumstances of the case and also taking note of the submissions made by the counsel for the petitioners, this Court is inclined to modify the conditions imposed by the trial Court.

6. Accordingly, this Criminal Original Petition is allowed and the condition imposed by the learned Sessions Judge, Kanyakumari District at Nagercoil, dated 01.08.2017 in Cr.M.P.No.2680 of 2017, is modified to the effect that the petitioners are directed to appear and sign before the Sessions Court, Nagercoil, daily twice ie., at 10.30 a.m., and 6.00 p.m., until further orders. The remaining condition imposed by the trial Court in the anticipatory bail orders stands unaltered.

Sd/-

Assistant Registrar(RTI)



To

1. The Sessions Judge,
Kanyakumari District
at Nagercoil,

2. The Sub-Inspector of Police,
South Thamaraikulam Police Station,
South Thamaraikulam

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

4. The Record Keeper,
Criminal Section
Madurai Bench of Madras High Court.

5. The Inspector of Police,
Virudhunagar Town Police Station.

+1cc to M/S. E.V.N.SIVA, Advocate, SR.No.73386.

Cr1.OP (MD) No.10608 of 2017
21.08.2017

MPK

SDS/SV:MMS/SAR 3/28.08.2017/3P/7C