



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2017

CORAM

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD)No.14613 of 2017

and

Crl.M.P.(MD)No.9740 of 2017

Madhu @ Antony

... Petitioner/Petitioner/A2

Vs.

The State Rep. By
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.481 of 2016)

... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of the Code of Criminal Procedure, to set aside the order passed by the learned Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.2745 of 2017 dated 10.08.2017 and further permit the petitioner to comply the condition imposed by the learned Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.4024 of 2016 dated 19.12.2016.

For Petitioner : Mr.R.Russel Raj

For Respondent : Mr.K.Anbarasan,
Government Advocate (Criminal side)

O R D E R

This Criminal Original Petition has been filed to set aside the order passed by the learned Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.2745 of 2017 dated 10.08.2017 and further permit the petitioner to comply with the condition imposed by the learned Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.4024 of 2016 dated 19.12.2016.

2. The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 452, 294(b), 324 & 307 of I.P.C and Section 3, 4 (a) of Explosive Substances Act, 1908, approached the Sessions Court for granting of anticipatory bail. Accordingly, the Sessions Court on 23.11.2016 granted anticipatory bail to the petitioner on



condition that the petitioner was directed to reside at Vellore and sign before the Inspector of Police, Vellore South Police Station daily at 10.00 a.m., until further orders. After complying the order, the petitioner filed a modification petition in CrI.M.P.No.4024 of 2016, on 19.12.2016 the learned Sessions Judge modified the condition to the effect that the petitioner shall appear and sign before the learned Judicial Magistrate No.II, Kuzhithurai weekly once i.e. on every Monday at 10.30 a.m. until further orders.

3. Again the petitioner/A2 filed another CrI.M.P.No.2745 of 2017, before the Sessions Judge for condoning absence for non-compliance of the condition from 09.01.2017. However, the said petition was dismissed on the ground that it amounts to interfere with the powers of the High Court. The learned Sessions Judge wrongly understood that the petitioner herein has approached this Court to relax the condition imposed by the learned Sessions Judge and this Court had relaxed the condition. In fact, except the petitioner herein, the other accused persons have filed relaxation petition before this Court and the same was allowed in their favour in CrI.O.P(MD).No.6012 of 2017 dated 18.05.2017.

4.Considering the facts and circumstances of the case, I am inclined to grant relief to the petitioner and condoned his absence for non appearance before the lower Court. The petitioner is directed to appear before the learned Judicial Magistrate No.II, Kuzhithurai on every Monday at 10.30 a.m. until further orders. Accordingly, the order passed by the learned Sessions Judge, Kanyakumari District at Nagercoil is set aside and this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CrI side)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Kuzhithurai.
- 2.-Do- Thro'The Chief Judicial Magistrate,
Kanyakumari District.
3. The Sessions Judge,
Kanyakumari District at Nagercoil.
- 4.-Do- Thro'The Principal Sessions Judge,
Kanyakumari District.



5. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

6. The Inspector of Police,
Vellore South Police Station,
Vellore.

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

+ 1 cc TO Mr.R.Russel Raj , Advocate in SR No. 84639

vsa/das

AE/SV MMS/SAR1/16.11.2017/3P/9C

CrI.O.P. (MD) No.14613 of 2017
31.10.2017