



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.04.2017

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

WEB COPY

Crl.O.P. (MD) No.3476 of 2017

D.Manickavasagam

... Petitioner/Petitioner

-Vs-

State through,
The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.
(Crime No.12 of 2017)

.. Respondent/Respondent

Prayer : Criminal Original Petition is filed under Section 439(1)(b) of the Code of Criminal Procedure to relax the condition imposed upon the petitioner in Crl.M.P.No.213 of 2017 dated 27.01.2017 passed by the District and Sessions Judge, Kanyakumari District at Nagercoil.

For Petitioner	: Mr.P.M.Vishnuvarthan
For Respondent	: Mrs.S.Prabha, Government Advocate (Crl. side)

O R D E R

This Criminal Original Petition is filed to relax the condition imposed upon the petitioner in Crl.M.P.No.213 of 2017, vide order dated 27.01.2017 by the learned District and Sessions Judge, Kanyakumari District at Nagercoil.

2) Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

3) The case of the petitioner is that the petitioner is arrayed as an accused in Crime No.12 of 2017 on the file of the respondent police for the offence under Sections 147, 148, 341, 294 (b), 323, 324 and 506(ii) of I.P.C. He was granted anticipatory bail by the learned Sessions Judge, Sessions Court, Kaniyakumari District at Nagercoil in Crl.M.P.No.213 of 2017, vide order dated 27.01.2017. While granting anticipatory bail, the learned Judge imposed a condition that the petitioner shall appear before the Inspector of Police, South Thamaraikulam Police Station daily at 6.00 p.m., until further orders. After complying with the said condition, for more than 15 days, the petitioner filed Crl.M.P.No.930 of 2017 seeking relaxation of the said condition. However, the learned Judge dismissed the said petition vide order dated 15.03.2017.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The grievance of the petitioner is that the petitioner



is the only earning member of the family and therefore, it is difficult for him to comply with the condition and hence, he has come forward with the present petition seeking relaxation of the condition imposed by the Court below.

5. Considering the facts and circumstances of the case, the condition imposed by the learned District and Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.213 of 2017, vide order dated 27.01.2017, is relaxed. However, the petitioner shall appear before the respondent police as and when required for interrogation.

6. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To:

1.The District and Sessions Judge,
Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.

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

+1 CC to M/s.VISHNUVARTHANAN, Advocate, SR No. 19759

PM

PSM/KP/SAR3/18.04.2017/2P/5C

Crl.O.P.(MD) No. 3476 of 2017
05.04.2017