

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 01.06.2017****CORAM:****THE HONOURABLE Mrs. JUSTICE J.NISHA BANU****Cr1.O.P. (MD) .No.4937 of 2017**

Mohamed Abdul Khader

.. Petitioner/A1

Vs.

The State of Tamil Nadu,
rep. by the Inspector of Police,
Srirengam All Women Police Station,
Trichy District.

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. praying to set aside the condition modification order passed by the learned Principal Sessions Judge, Tiruchirapalli in Cr.M.P.No.1140 of 2017, dated 17.04.2017 and further relax the condition totally imposed by the learned Principal Sessions Judge, Tiruchirappalli in Cr.M.P.No.948 of 2017, dated 03.04.2017.

For Petitioner

: Mr.S.M.A.Jinnah

For respondents

: Mr.A.Ramar,
Addl. Public Prosecutor**ORDER**

The petitioner / defacto complainant has come up with this petition challenging the condition modification order passed by the learned Principal Sessions Judge, Tiruchirapalli in Cr.M.P.No.1140 of 2017, dated 17.04.2017 and for a direction to relax the condition totally imposed by the learned Principal Sessions Judge, Tiruchirappalli in Cr.M.P.No.948 of 2017, dated 03.04.2017.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.The learned counsel for the petitioner submitted that based on the complaint given by the petitioner's wife, a case has been registered against the petitioner in Crime No.02 of 2017 under Sections 498(A), 406 and 506(i) IPC, for which the petitioner has filed a petition in Cr.M.P.No.948 of 2017 seeking for enlargement on anticipatory bail and the learned Principal Sessions Court, Tiruchirapalli has granted anticipatory bail order in favour of



the petitioner with a condition to appear before the respondent Police daily at 10.00 a.m. until further orders. After complying with said condition for certain period, the petitioner has filed a modification petition in Cr.M.P.No.1140 of 2017 before the learned Principal Sessions Judge, Tiruchirapalli. But, the learned Principal Sessions Judge, without taking into consideration of the fact that the petitioner has complied with the conditions regularly, has modified the condition to the extent that the petitioner shall comply with the condition once in 15 days until further orders. Now the petitioner has also complied with the said condition thrice i.e., 01.05.2017, 15.05.2017 and 29.05.2017. Hence, the said condition may be relaxed by setting the order of the learned Principal Sessions Judge, Tiruchirapalli dated 17.04.2017.

4.Considering the facts and circumstances of the case, this Court is inclined to issue following direction:

In the event of the petitioner filing a petition for relaxation, the learned Principal Sessions Judge, Tiruchirapalli shall favourably consider the same taking into account the appearance of the petitioner before the respondent Police for the past three occasions i.e., on 01.05.2017, 15.05.2017 and 29.05.2017.

5.With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Trichy.

2.The Inspector of Police,
Srirengam All Women Police Station,
Trichy District.

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

Gcg
js/JC/SAR.1/9.6.2017/2P-4C

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01.06.2017