



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2017

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.O.P(MD).No.7327 of 2017

Puthiyakumar @ Puthiyavel

...Petitioner/Accused

Vs.

The State rep., by the
Inspector of Police,
All Women Police Station,
Tiruchendur,
Tuticorin District.
(In Crime No.3/17)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439(1)(b) r/w 482 Cr.P.C., to modify the condition imposed by the learned II Additional District Judge (PCR), Tirunelveli in Cr1.M.P.No.916/2017 dated 10.05.2017.

For Petitioner : Mr.A.Mohamed Haneef

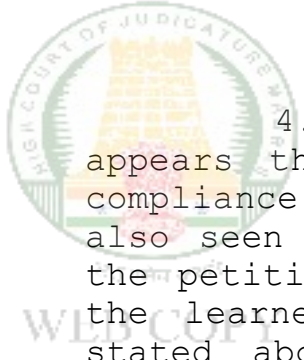
For Respondent : Mr.C.Ramesh,
Additional Public Prosecutor

ORDER

Heard Mr.A.Mohamed Haneef, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Additional Public Prosecutor appearing for the State.

2. Earlier, bail was granted to the petitioner by the Sessions Court, Tirunelveli, on 26.04.2017, subject to the condition that the petitioner should appear before learned Metropolitan Magistrate No.IV, Saidapet, Chennai daily twice at 10.00 a.m. and 5.00 p.m., until further orders.

3. It is submitted by the learned counsel for the petitioner that as the petitioner was not able to comply the said condition due to ill health, they approached the learned Additional Sessions Judge No.II, Tirunelveli, to condone his absence and failure to abide the condition imposed on him, while



4. From the orders passed in CrI.MP.No.1120/17, it appears that the learned Sessions Judge has condoned the non-compliance of the condition, by his order dated 10.05.2017. It is also seen from the record that only Interim Bail was granted to the petitioner, till 26.05.2017, with condition to report before the learned Metropolitan Magistrate, Saidapet, twice daily, as stated above and in view of his subsequent application, the learned Sessions Judge has condoned his absence and failure of non-compliance of condition and has extended the Interim Bail till 15.06.2017, with same condition, i.e., to appear before the learned Metropolitan Magistrate, Saidapet, Chennai, twice daily.

5. The present application is filed before this Court for modification of the bail condition, on the ground that the petitioner is not having sufficient money to stay at Chennai, as he is a penniless person and is not able to meet his day-to-day expenses.

6. This plea is entirely different from the plea taken by this petitioner, when he approached the Sessions Court, which has condoned his absence and extended the Interim Bail on condition. Before the Sessions Court, he has pleaded illness for his non-appearance and failure to comply the bail condition. Whereas, now, before this Court, he has taken entirely a new plea, that he does not have enough of money to stay at Chennai.

7. This Court is not convinced with the reason stated by the petitioner for non-compliance. It is an offence against women and the petitioner faces charges under Sections 417, 376 & 506(i) IPC and Section 3(1)(w)(i) of Prevention of Atrocities [POA] against SC/ST Act. Any further indulgence shown to this petitioner will only give a wrong signal to the general public that a perpetrator of crime against women, ailing from suppress class, will be allowed to set free by the Court, without having any human consideration for the agony of the victim person.

8. Hence, this Court is not inclined to entertain this petition. Accordingly, this petition for modification of the bail condition is dismissed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

<https://hcservices.tn.gov.in/Services>
 The Additional District Judge (PCR),
 Tuticorin.



2. Inspector of Police,
All Women Police Station,
Tiruchendur,
Tuticorin District.

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

+1 cc to Mr.A.Mohamed Haneef, Advocate in SR.No. 60745

gk
AE/JC SAR2/07.07/2017/3P/5C

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