

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14401 of 2018

S.Shamsudeen

... Petitioner/Accused

-Vs-

State rep. By
The Inspector of Police,
F-1, Chintadripet Police Station,
Chennai.
(Crime No.125 of 2018)

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 439(1) (b) r/w 482 of the Code of Criminal Procedure, to modify/set aside the condition imposed by the learned XV Additional Sessions Judge/Vacation Sessions Judge, Chennai in Crl.M.P.No.8009 of 2018 and modified in Crl.M.P.No.8207 of 2018 dated 23.05.2018.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

This petition has been filed seeking modification of bail condition imposed in Crl.M.P.No.8009 of 2018 directing the petitioner to appear before the respondent police daily at 10.30.a.m for a period of one month.

2. The learned counsel for the petitioner would submit that the petitioner has executed bail bonds as stipulated. He would submit that the petitioner had been charged for offences under Section 147, 148, 294(b), 324, 342, 447 and 506(ii) of IPC on a false complaint given by the defacto complainant. He would submit that the petitioner was ordered to be released on anticipatory bail by order dated 16.05.2018 and inspite of the respondent having knowledge of the anticipatory bail being granted, the respondent with the influence of the defacto complainant attempted to remand the petitioner herein. He would submit that the respondent has got vengeance against him and the

petitioner is unable to face the harassment at the police station. He would submit that instead of the condition to appear before the respondent, the petitioner seeks modification to appear before the learned XIV Metropolitan Magistrate and he would also submit that in the event of his presence required for the investigation, the petitioner is prepared to appear for enquiry before the respondent.

3. The learned Additional Public Prosecutor has no objection to modify the condition.

4. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to modify the condition to the effect that "the Petitioner shall appear before the learned XIV Metropolitan Magistrate, Chennai from 19.06.2018 for a period of two weeks and thereafter, the petitioner shall appear before the respondent police as and when required. Other than this modification, the other conditions shall remain unaltered.

5. This Petition is ordered accordingly.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To:

1. The XV Additional Sessions Judge/
Vacation Sessions Judge, Chennai.
2. The XIV Metropolitan Magistrate,
Chennai.
3. The Public Prosecutor,
High Court, Chennai-104.
4. The Inspector of Police,
F-1 Chintadripet Police Station,
Chennai.

+1cc to Mr.A.M.Rahamath Ali, Advocate Sr.35571

Cr1.O.P.No.14401 of 2018

jp[co]
srg 18/06/2018