

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.7024 of 2018

IN CRL OP.17721/2017

GANESH

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
C2 RACE COURSE POLICE STATION,
COIMBATORE - 641 018.
CR.NO.1028 OF 2017

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the condition imposed on the petitioner that he should report before the respondent police daily at 06.30 p.m. in Crl.O.P.No.17721 of 2017 dated 01.09.2017

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of MR.CHARLES Advocate for the petitioner and of M/S.KRITIKA KAMAL.P, GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent the court made the following order:-

The petitioner was granted anticipatory bail in Crl.O.P. No. 17721 of 2017 on 01.09.2017 on certain conditions, one of which is that, he should report before the respondent police at 6.30 p.m. for a period of two weeks and thereafter, as and when required for interrogation.

2 The petitioner has filed the present petition for modification of the aforesaid condition on the ground that he is working in Chennai and he was not given leave by his employer to go to Coimbatore and report everyday, as directed by this Court.

3 The learned counsel for the petitioner submitted that the petitioner's failure to report before the respondent police was neither wilful nor wanton, but, only on account of the above said reasons.

4 The learned Government Advocate (Crl. Side) submitted that investigation has been completed in Cr. No.1028 of 2017 and charge sheet has been filed in C.C. No.375 of 2017 before the Judicial Magistrate No.III, Coimbatore.

In such view of the matter, the aforesaid condition imposed by this Court vide order dated 01.09.2017 is relaxed. The petitioner shall cross-examine the witnesses on the day they are examined in chief as held by the Supreme Court in **Vinod Kumar vs. State of Punjab [2015(1) MLJ (Cr1) 288]**. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon his presence and remand him to custody, as laid down by the Supreme Court in **State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]**. If the petitioner absconds, the trial Court shall direct registration of an FIR against him under Sec. 229-A IPC.

This Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-
25/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE VII METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

4 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

5 THE INSPECTOR OF POLICE,
C2 RACE COURSE POLICE STATION,
COIMBATORE - 641 018.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

Copy to:

THE JUDICIAL MAGISTRATE,
NO.III, COIMBATORE.

C.C. to M/S.S.P.MEENAKSHI SUNDARAM Advocate on payment of
necessary charges

Order

in
CRL MP.7024/2018

in
CRL OP.17721/2017

Date :25/06/2018

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