

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.26320 of 2018

1.S.Vadivel
2.Pechimuthu
3.Tamilarasan

... Petitioners/A1 to A3

Vs.

State by Sub Inspector of Police,
M.2, Madhavaram Milk Colony Police Station,
Chennai
(Crime No.309 of 2018)

...Respondent/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on the petitioner herein by the learned Principal District and Sessions Judge at Tiruvallur, Tiruvallur District in CrI.M.P.No.5068 of 2018 by an order dated 06.10.2018 directing the petitioner herein to appear before the respondent police daily at 10.30 a.m. until further orders.

For Petitioners : Mr.V.Veluchamy

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order of the Court below dismissing the relaxation petition filed by the petitioners.

2.The petitioners are the accused in Cr.No.309 of 2018 , which has been registered by the respondent Police for the offences under Sections 294(b), 506(ii) IPC r/w. Sections 3 & 5 of TNPPDL Act.

3.The petitioners were arrested and they filed a petition for bail before the Principal District and Sessions Court, Tiruvallur. By the time the bail petition was considered, the petitioners had suffered imprisonment for a period of 19 days. The Court below took into consideration the allegations made against the petitioners and granted bail by imposing certain

conditions. The petitioners were directed to deposit a sum of Rs.10,000/- each and they were also directed to sign before the respondent Police daily at 10.00 until further orders.

4.The petitioners complied with all the conditions. The petitioners also reported before the respondent Police till 31.10.2018. Thereafter, the petitioners did not report before the respondent Police, since by then they had filed a petition for relaxation of the condition. The Court below dismissed the petition on the ground that the petitioners have not complied with the condition from 01.11.2018 to 07.11.2018.

5.The learned counsel for the petitioners would submit that the petitioners are drivers and they were not in a position to report before the respondent Police daily after 31.10.2018. The learned counsel would further submit that the petitioners have already deposited a sum of Rs.30,000/- which was imposed as a condition at the time of granting bail to the petitioners. The learned counsel would further submit that since the petitioners will have to go for work daily in order to eke their livelihood, it was not possible for the petitioners to report before the respondent Police daily at 10.00 a.m.

6.In the facts and circumstances of the case, this Court is inclined to relax the condition imposed on the petitioners. The petitioners shall report before the respondent Police as and when required by the respondent Police in the course of investigation.

7.This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CCC)

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सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge
Tiruvallur,
Tiruvallur District

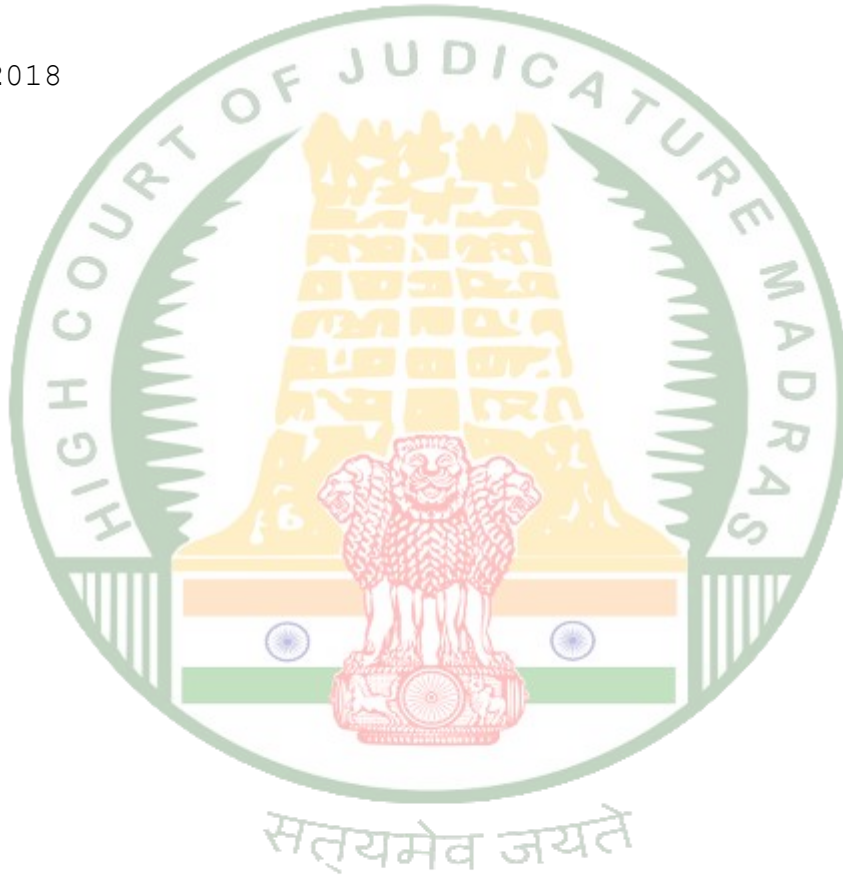
2.The Sub Inspector of Police,
M.2, Madhavaram Milk Colony Police Station,
Chennai

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Veluchamy, Advocate sr.no.77753

Cr1.O.P.No.26320 of 2018

kj(co)
nr 05/12/2018



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