

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27081 of 2018

Suresh @ Suresh Kumar

...Petitioner

Versus

State Rep. By,
The Inspector of Police,
Vellakovil Police Station,
Tirupur District.
Cr. No.397 of 2018

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 09.11.2018 passed by the learned Principal Sessions Judge, Tirupur in Cr1.M.P.No.1823 of 2018.

For Petitioner : Mr.S.P.Meenkashi Sundaram

For Respondent : Mr.C.Raghavan
Government Advocate [Cr1. Side]

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the relaxation petition filed by the petitioner.

2.The petitioner was granted Anticipatory Bail by the learned Principal Sessions Judge, Tirupur by an order dated 24.08.2018. In the said order, a condition was imposed against the petitioner to the effect that he should sign daily at 10.00 a.m., before the respondent Police. This condition was complied with by the petitioner for a period of 57 days. Thereafter, the petitioner filed a petition for relaxation of the condition and the same has been dismissed on the ground that the petitioner failed to sign for eight days from 25.10.2018 to 01.11.2018.

3.The F.I.R has been registered against the petitioner

for an offence under Sections 294(b), 324 and 506(ii) of the Indian Penal Code. The condition imposed by the Court below was onerous and there was no requirement to make the petitioner appear before the respondent Police daily for the offence for which the F.I.R has been registered. The petitioner had reported for 57 days. The Court should have considered the case and relaxed the condition, but, however the relaxation petition has been dismissed.

4. In the facts and circumstances of the case, this Court of the considered view that, the condition imposed against the petitioner has to be totally relaxed. Therefore, this Court interfere with the order passed by the Court below and the same is hereby set aside.

5. This Criminal Original Petition is disposed of, with the direction to the petitioner to appear before the respondent Police as when required, pending the investigation. The respondent Police is directed to file a final report in this case within a period of two months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vv2/rpl

To

1. The Principal Sessions Judge,
Tirupur

2. The Inspector of Police,
Vellakovil Police Station,
Tirupur District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.P.Meenkashi Sundaram, Advocate, S.R.No.79311

CRL.O.P.No.27081 of 2018

MP (CO)
CS/11/12/2018