

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 23.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.27165 of 2018

Ismayil

... Petitioner

Vs.

The Sub-Inspector of Police,
Gudiyatham Town Police Stion,
Gudiyatham, Vellore District.

... Respondent

For Petitioner : Mr.S.Santhan
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the order of the Judicial Magistrate of Gudiyatham in Cr.M.P.No.5843 of 2018, dated 14.11.2018.

ORDER

This petition has been filed Challenging the order passed by the court below dismissing the application filed by the petitioner seeking for modification of condition.

2. It is seen from the records that the respondent police have filed an FIR against the petitioner for an alleged offence under Sections 294 (b), 323, 506 (ii) of IPC. The petitioner was arrested and remanded to judicial custody. The petitioner filed a bail application and the learned Judicial Magistrate, Gudiyatham granted an order of bail on 09.10.2018 with a condition that the petitioner should appear before the respondent police daily at 10.30 a.m for 30 days from the date of his release.

3. The learned counsel for the petitioner would submit that when the petitioner went to the respondent police station to comply with the condition, he was treated very badly and he was abused by the police officials. That apart, one case after another is being filed by the respondent police against the petitioner and therefore the petitioner is not in a position to report before the respondent police. The learned counsel for the petitioner would further submit that the Court below

dismissed the application seeking for modification of condition by stating that the apprehension raised by the petitioner is unfounded.

4. This Court is of the considered view that the nature of offence that has been projected against the petitioner is not very serious. There was absolutely no requirement for the Court below to have imposed the condition on the petitioner to report before the respondent police daily at 10.30 a.m. It is more so since this is the third FIR that has been filed against the petitioner by the very same respondent police.

5. In view of the above, this Court is inclined to interfere with the order passed by the Court below and also modify the condition imposed by the Court below. Accordingly, the order passed by the court below in Cr.M.P.No.5843 of 2018 dated 14.11.2018 is hereby set aside with a direction to the petitioner to report before the respondent police as and when required during the pendency of the investigation.

6. Accordingly, this Criminal Original Petition is allowed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

dss
To

1. The Sub-Inspector of Police,
Gudiyatham Town Police Stion,
Gudiyatham, Vellore District.

2. The Public Prosecutor,
Madras High Court, Madras.

+1 CC to Mr.S.Santhan,Advocate sr 80249.

CrI.O.P.No.27165 of 2018

SP(10/12/2018)