

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.12.2018
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.28536 of 2018

1.Santhalingam
2.Mathiaahagan

... Petitioners/Accused-4

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch
Coimbatore District.
Cr.No.31 of 2018.

... Respondent/Complainant

Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. praying to modify the condition imposed in Crl.M.P.No.6172 of 2018 dated 22.11.2018 by the learned Judicial Magistrate-II, Coimbatore, from "to appear before the respondent daily at 10.00 a.m until further orders" as "to appear before the learned Judicial Magistrate-II, Coimbatore".

For Petitioners : Mr.A.P.Sathiyamurthy

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed for modification of the condition imposed by the learned Judicial Magistrate-II, Coimbatore, in Crl.M.P.No.6172 of 2018 dated 22.11.2018.

2. The learned counsel for the petitioners would submit that the petitioners were arrested and remanded on 01.11.2018. He would further submit that the petitioners are innocent and have not committed any offence and the charged offence is civil nature. There is a civil suit is pending before civil Court as well before this Court. Further the co-accused were released on bail by this Court. Hence the petitioners prayed to grant bail before the Judicial Magistrate-II, Coimbatore. Unfortunately, the learned trial Judge had imposed the following conditions while granting bail in CMP No.6172 of 2018 dated 22.11.2018:

"The petitioners shall execute a bond for Rs.10,000/- along with two sureties each to the like sum amount and the petitioners shall appear before the respondent police station

daily at 10.00 a.m. until further orders "

In furtherance to the above cited order, the petitioners are regularly complying with the order. Whereas, the respondent is unnecessarily withholding the petitioners in the police station and they were restrained in the station for more than 5 hours. Therefore, he sought for modification of the condition imposed by the learned Judicial Magistrate-II, Coimbatore, in CMP No.6172 of 2018 dated 22.11.2018.

3. Heard the learned Additional Public Prosecutor and she sought for dismissal of this petition seeking modification.

4. In view of the above discussions, this Court is inclined to modify the condition imposed by the learned Judicial Magistrate-II, Coimbatore, in Crl.M.P.No.6172 of 2018 dated 22.11.2018 from "to appear before the respondent daily at 10.00 a.m until further orders" as to appear before the "learned Judicial Magistrate-II, Coimbatore, daily at 10.00 a.m until further orders".

5. This Criminal Original Petition is ordered accordingly.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate-II, Coimbatore.

2.Do- thro' the Chief Judicial Magistrate,
Coimbatore.

3.The Public Prosecutor,
High Court of Madras, Chennai.

4.The Inspector of Police, District Crime Branch
Coimbatore District.

+1cc to Mr.A.P.Sathyamurthy, Advocate, S.R.No.84072

CRL.O.P.No.28536 of 2018

rrs 07/12/2018