

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

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.28532 of 2018

Murugesan

... Petitioner

Vs.

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

... Respondent

Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. praying to modify the condition imposed in Crl.M.P.No.6299 of 2018 dated 28.11.2018 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 Petitioner : 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.6299 of 2018 dated 28.11.2018.

2. The learned counsel for the petitioner would submit that the petitioner was arrested and remanded on 01.11.2018. He would further submit that the petitioner is innocent and has 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 petitioner 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.6299 of 2018 dated 28.11.2018:

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

daily at 10.00 a.m. until further orders "

In furtherance to the above cited order, the petitioner is regularly complying with the order. Whereas, the respondent is unnecessarily withholding the petitioner in the police station and he was 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.6299 of 2018 dated 28.11.2018.

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.6299 of 2018 dated 28.11.2018 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

//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 Inspector of Police, District Crime Branch
Coimbatore District.

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

+1cc to Mr.A.P.Sathyamurthy, Advocate, S.R.No.84071

CRL.O.P.No.28532 of 2018

EV (CO)

rrs 07/12/2018