

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 11.12.2018

CORAM  
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.28898 of 2018

1. Narayanasamy
2. Ramasamy
3. Selvakumar
4. Govindaraj
5. Rajamani
6. Senthamarai
7. Selvabarathi

All are residing at  
Malavaraya Nallur Village,  
Elumur Post,  
Kunnam Taluk,  
Perambalur District

...Petitioners / Petitioners

-Vs-

The State Rep. by its  
The Inspector of Police,  
Mangalamedu Police Station,  
Perambalur District,  
(Crime No.457 of 2018)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to modify the condition imposed by the learned Principal District & Sessions Judge, Perambalur in CrI.MP No.1155 of 2018 dated 26.11.2018.

For Petitioners : Mr.E.C.Ramesh

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

ORDER

This criminal original petition has been filed seeking for a modification of the condition imposed by the Court below while granting Anticipatory Bail to the petitioners.

2. The respondent police has registered an FIR in Crime No.457 of 2018 for an alleged offence under Section 147, 148, 294, 324, 506(ii) and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. These petitioners were shown as accused in the FIR.

3. These petitioners filed an Anticipatory Bail petition before the Court below. The Court below after considering the facts and circumstances of the case, granted an anticipatory bail by an order dated 26.11.2018. However, the Court below imposed certain conditions. The petitioners are aggrieved by condition (b) imposed by the Court below which is extracted as follows :-

"(b) that the petitioners / accused shall stay at Thuraiyur and appear and sign before the learned Judicial Magistrate, Thuraiyur daily at 10.30 am and 5.00 pm until further orders."

4. The learned counsel appearing for the petitioner would submit that the Court below had directed the petitioners to stay at Thuraiyur and appear before the learned Judicial Magistrate, Thuraiyur daily at 10.00 am and 5.00 pm until further orders. According to the learned counsel appearing for the petitioner, this condition is onerous and for the nature of offences that have been alleged against the petitioners, the said condition is disproportionate. The learned counsel appearing for the petitioner would further submit that three of the petitioners are ladies and therefore, requested this Court to consider for modification of the condition.

5. This Court is convinced that the condition imposed by the Court below is onerous and was not warranted for the nature of allegations that have been made against the petitioners. Therefore, this Court is inclined to modify the condition imposed by the Court below. The petitioners shall report before the respondent / police once in a week on every Monday @ 10.30 am until further orders.

6. In the result, this criminal original petition is disposed of with the above modification.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka/ssr

To

1.The Judicial Magistrate Court,  
Thuraiyur.

2.The Principal District and Sessions Judge,  
Perambalur.

3.The Inspector of Police  
Mangalamedu Police Station,  
Perambalur.

4.The Public Prosecutor  
High Court, Madras.

+lcc to Mr.E.C.Ramesh, Advocate, S.R.No.86439.

CrI.O.P.No.28898 of 2018

rrs 13/12/2018



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