



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN
Crl.O.P. (MD).No.2173 of 2018

WEB COPY

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...Petitioners/Petitioner
/First Accused

Vs.

The State represented by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.

...Respondent/Respondent
/Complainant

PRAYER: Criminal Original Petition filed under Section 439(i)(b) r/w 482 of the Criminal Procedure Code, to modify the condition imposed by the learned Judicial Magistrate No.II, Madurai, Madurai District Vide his order in Cr.M.P.No.93 of 2018 dated 08.01.2018, in which instead of directing the petitioner to report before the respondent police daily at 10.00 a.m, it may be modified by directing the petitioner to report before the learned Judicial Magistrate No.II, Madurai every day at 10.00 for a period of three weeks.

For Petitioner : Mr.S.Balaji
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

ORDER

This petition has been filed to modify the condition imposed by the learned Judicial Magistrate No.II, Madurai, Madurai District Vide his order in Cr.M.P.No.93 of 2018 dated 08.01.2018, in which instead of directing the petitioner to report before the respondent police daily at 10.00 a.m, it may be modified by directing the petitioner to report before the learned Judicial Magistrate No.II, Madurai every day at 10.00 for a period of three weeks.

2.The learned counsel appearing for the petitioner submitted that the petitioner was arrested by the respondent police and remanded to judicial custody on 07.11.2017, he was enlarged on bail by the learned Judicial Magistrate No.II, Madurai in Cr.M.P.No.93 of 2018, dated 08.01.2018 with condition that the petitioner shall report before the respondent police daily at 10.00 a.m for a period of three weeks. He further submitted that the respondent police with a personal animosity has implicated this petitioner into criminal cases and if the petitioner goes to the respondent police for complying the condition imposed by the learned Judicial Magistrate No.II, Madurai, the respondent police would certainly cause arrest upon the petitioner by foisting false case against him.



3. He further submitted that due to the health ailment, the petitioner was not able to appear before the respondent police from 13.01.2018 to 13.02.2018 and such failure is not wilful or wanton, but due to sufferance of health ailment. Hence, he prays to modify the condition imposed by the learned Judicial Magistrate No.II, Madurai, vide his order in Cr.M.P.No.93 of 2018 dated 08.01.2018, in which instead of directing the petitioner to report before the respondent police daily at 10.00 a.m, it may be modified by directing the petitioner to report before the learned Judicial Magistrate No.II, Madurai every day at 10.00 a.m for a period of three weeks.

4. Heard both sides.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing for the petitioner, this Court is inclined to modify the condition imposed on the petitioner by the Judicial Magistrate No.II, Madurai in Cr.M.P.No.93 of 2018, dated 08.01.2018 to the extent that the petitioner shall report before the Anna Nagar Police Station, Madurai daily at 10.00 a.m. for a period of three weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
2. The Judicial Magistrate No.II,
Madurai.
3. The Chief Judicial Magistrate,
Madurai.
4. The Inspector of Police,
Anna Nagar Police Station, Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.S.Balaji, Advocate SR.No. 48116

Cr1.O.P. (MD) .No.2173 of 2018
13.02.2018

msa

JM/SKN RSK/SAR 4/23.02.2018/2P/7C