



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.04.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

CRL OP (MD).No.3958 of 2018

1.Syed Ibrahim
2.Satham Hussain

...Petitioners

Vs.

1.

The State represented by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.248 of 2017)

...Respondent

PRAYER: This Petition filed under Section 439 (1) (b) of the Criminal Procedure Code to set aside the order passed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P.No.289 of 2018 dated 13.02.2018 and consequently relax the condition imposed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P.No.137 of 2018 dated 24.01.2018.

For Petitioners	: Mr.M.Karunanithi
For Sole Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate
For Intervenor	: Mrs.J.M.Priscilla Jancy

ORDER

Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Crl Side) appearing for the respondent as well as the learned counsel appearing for the intervenor.

2.The petitioners herein are accused in Crime No.248 of 2017, on the file of the Abiramam Police Station, Ramanathapuram District. It is a case involving the petitioners for offences under Sections 341 and 302 of IPC. The petitioners were arrested and they applied for bail. This was granted on 24.01.2018 on condition that they should appear before the Dindigul Town North Police Station daily at 10.00 am and 05.00 pm.

3.According to the petitioners, they have been regularly complying with the said condition and thereafter, they applied for relaxation of the said condition, it was dismissed. Contending that they are not in a position to appear before the Dindigul Town North Police Station daily twice, this Criminal Original Petition has been filed.



4.The prayer for relaxation was strongly opposed by the learned counsel for the intervenor.

5.It was submitted by the learned counsel for the intervenor that she had already filed application for cancellation of bail and at this stage the application for relaxation would not be maintainable. She also pointed out that the petitioners herein have suppressed material facts and that at present they are in Puzhal Prison at Chennai.

6.The only question before this Court is as to whether the condition to appear twice a day before the Dindigul Town North Police Station is to be relaxed or not.

7.This Court is of the view that by directing them to comply with the said condition, no purpose will be served.

8.The learned counsel appearing for the petitioners submits that the petitioners are poor people and it is very difficult for them to abide by the said condition.

9.Taking note of all these circumstances, the condition imposed by the learned Principal District and Sessions Judge, Ramanathapuram to sign daily at 10.00 am and 05.00 pm before the Dindigul Town North Police Station is relaxed totally. The order impugned in the Criminal Original Petition is set aside.

10.This Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal District and Sessions Judge, Ramanathapuram.
- 2.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.Karunanithi, Advocate SR.No. 5413

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