



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P.(MD)No.4624 of 2018

R.Chellaiah

.. Petitioner / Sole Accused

Vs.

1.The State represented by,
The Deputy Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.
(Crime No.41 of 2018)

.. Respondents/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 (i) (b) of the Code of Criminal Procedure, to modify the condition imposed by the learned II-Additional District and Sessions Judge, Tirunelveli District in Crl.M.P.No.813 of 2018 vide order, dated 19.03.2018, by directing the petitioner to appear before the respondent police as and when required instead of directing him to comply the condition as mentioned in the afore said order.

For Petitioners : Mr.R.Anand

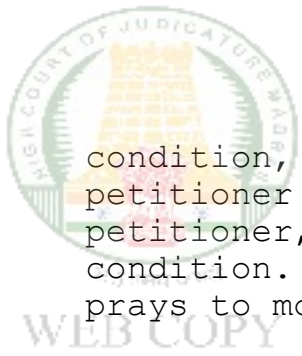
For Respondents : Mr.A.Robinson

Government Advocate (Criminal side)

O R D E R

This petition has been filed by the petitioner/sole accused to modify the condition imposed in Crl.M.P.No.813 of 2018 vide order, dated 19.03.2018, on the file of the learned II-Additional District and Sessions Judge, Tirunelveli District

2. The learned counsel appearing for the petitioner would submit that the petitioner was enlarged on bail by the learned II-Additional District and Sessions Judge, Tirunelveli District for the alleged offences punishable under Section 294(b) IPC., r/w Section 3 (1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015 in Crl.M.P. (MD)No.813 of 2018, dated 19.03.2018. He would further submit that the petitioner is working as Deputy Block Development Officer at Sankarankovil and hence, he could not be able to appear and sign before the learned Judicial Magistrate, Madurai, daily twice i.e., at 10.30 a.m, and 5.00 p.m. He further added that because of this



condition, he could not discharge his official duty. Moreover, the petitioner is having no previous case. Hence, according to the petitioner, it is much difficult to observe the above said condition. Hence, the learned counsel appearing for the petitioner prays to modify the condition imposed by the Sessions Court.

3. The learned Government Advocate (Criminal Side) appearing for the respondent police on instructions would submit that the petitioner has no previous case and he has no serious objection for allowing the petition.

4. The submission made by the learned counsel appearing for both side are considered. Previously, the petitioner has been granted bail for the offence punishable under Sections Section 294 (b) IPC., r/w Section 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015. While at the time of granting bail, the learned II-Additional District and Sessions Judge, Tirunelveli District, imposed certain conditions, that the petitioner shall appear before the learned Judicial Magistrate, Madurai, daily twice i.e., at 10.30 a.m, and 5.00 p.m. as one of the conditions. Now, the learned counsel appearing for the petitioner contended that the petitioner is working as Deputy Block Development Officer in Sankarankoil. Further, he added that the alleged occurrence was also happened in Sankarankoil. In the above said circumstances, without mentioning any reason, the learned II-Additional District and Sessions Judge, Tirunelveli District imposed the condition as stated above. It is nothing but bias. On going through the entire facts and circumstances, it is true at the time of alleged occurrence, the petitioner herein abused the defacto complainant by saying the caste name for which the petition mentioned case has been registered. Being the Deputy Block Development Officer, there is no chance of abscondance from the place of occurrence. Moreover, considering the gravity of offence committed by the petitioner, it is not necessary to direct the petitioner for staying at Madurai and sign before the learned Judicial Magistrate, Madurai daily twice. Thereby, the condition imposed by the learned II-Additional District and Sessions Judge, Tirunelveli District is modified as follows:

"the petitioner shall appear before the 2nd respondent police daily at 10.30 a.m., until further orders".

5. Except the above said modification, all the other conditions imposed by learned II-Additional District and Sessions Judge, Tirunelveli District in CrI.M.P.(MD)No.813 of 2018, dated 19.03.2018 remains unaltered.

Sd/-
Assistant Registrar(CO)



To

- 1.The II-Additional District and Sessions Judge,
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Tirunelveli District.
- 3.The Inspector of Police,
Sankarankovil Taluk Police Station,Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO M/S.R.ANAND, ADVOCATE, SR NO.4719

Crl.O.P.(MD)No.4624 of 2018
23.03.2018

PJL

MS/SV-MMS/SAR-4/02.04.2018/3P.6C