



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P (MD)No.610 of 2018

- 1.Pechakutti @ Arumuganainar
- 2.Ramar
- 3.Muthukumar
- 4.Krishnan
- 5.Santhana Kumar

... Petitioners/Accused Nos.6 to 10
Vs.

The Inspector of Police,
Radhapuram Police Station,
Radhapuram, Tirunelveli District.
(Crime No.234 of 2017)

... Respondent/Complainant

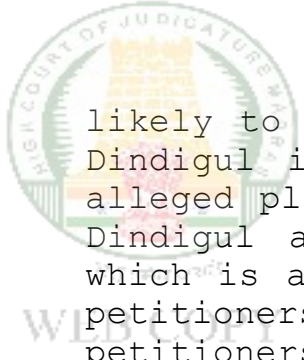
PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of the Code of Criminal Procedure, to modify the condition imposed by the learned II-Additional District & Sessions Judge, Tirunelveli against the petitioners in Crl.M.P.(MD)No.3405 of 2017 in Crime No.234 of 2017 on the file of the respondent police dated 28.11.2017.

For Petitioners : Mr.S.R.Anbarasu
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)

O R D E R

This petition has been filed by the petitioners to modify the condition imposed in Crl.M.P.(MD)No.3405 of 2017, dated 28.11.2017 on the file of the learned II-Additional District & Sessions Judge, Tirunelveli.

2. The learned counsel for the petitioners would submit that the petitioners are enlarged on interim bail by the learned II-Additional District & Sessions Judge, Tirunelveli, for the alleged offences under Sections 147, 294(b), 323, 506(ii) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST (POA) Amendment Act, 2015 in Crl.M.P.(MD)No.3405 of 2017, dated 28.11.2017 and they complied the condition from 30.11.2017 till date. He would further submitted that due to the said condition, the petitioners could not maintain their family at their village and could not be able to maintain their agricultural fields and the 5th petitioner is



likely to be terminated from his job. He further submitted that Dindigul is located for more than 325 kilometers away from the alleged place of occurrence. The petitioners are totally alien to Dindigul and they find it very difficult to stay at Dindigul, which is a new and far off from their native place. Moreover the petitioners are having no previous case. Hence, according to the petitioners, it is much difficult to observe the above said condition. Hence, the learned counsel for the petitioners 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 petitioners have no previous case and he has no serious objection for allowing the petition.

4. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal Side), the second and third conditions imposed by the learned II-Additional District and Sessions Judge, Tirunelveli, are modified as follows:

"the petitioners are permitted to appear and sign before the Thoothukudi South Police Station, Thoothukudi, daily at 06.30 p.m., until further orders."

5. Except the above said modification, all the other conditions imposed by learned II-Additional District & Sessions Judge, Tirunelveli in Crl.M.P.(MD)No.3405 of 2017, dated 28.11.2017 remains unaltered.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The II-Additional District & Sessions Judge, Tirunelveli.
2. The Inspector of Police, Radhapuram Police Station, Radhapuram, Tirunelveli District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.S.R.Anbarasu , Advocate in SR No. 701

PJL

TE/SKN-RSK/SAR-3 : 29/01/2018 : 2P/5C