



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P.(MD)No.67 of 2018

Saravanakumar

... Petitioner

Vs.

State Rep. by,  
The Sub-Inspector of Police,  
Mallanginaru Police Station.  
(Crime No.236 of 2017)

... Respondent

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 Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 13.12.2017, in Crl.M.P.No.4254 of 2017, with regard to execution of a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar and on further condition that the petitioner shall report before the respondent police station daily at 10.30 a.m. and 5.30 p.m. for 30 days.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.K.S.Duraipandian  
Additional Public Prosecutor

#### ORDER

This Criminal Original Petition has been filed to modify the condition imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 13.12.2017, in Cr.M.P.No.4254 of 2017, with regard to execution of a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar and on further condition that the petitioner shall report before the respondent police station daily at 10.30 a.m. and 5.30 p.m. for 30 days.

2.The counsel for the petitioner submitted that the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur failed to consider the fact that the petitioner has been falsely implicated in Crime No.236 of 2017 and also failed to



consider that the petitioner's family members are depending upon the petitioner's assistance and he is the only breadwinner of his family.

3. The learned Additional Public Prosecutor submitted that the condition imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 13.12.2017, in Cr.M.P.No.4254 of 2017 is a normal one and therefore, modification of the condition is not necessary.

4. Heard both sides.

5. On a perusal of the materials placed before me, it appears that while passing orders in Cr.M.P.No.4254 of 2017, the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, imposed the following conditions:

"The petitioner/accused is ordered to be released on bail on his executing a bond for Rs.10,000/- with two sureties for like sum each to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar and on further condition that the accused after being released on bail should report before the respondent daily at 10.30 a.m. and 5.30 p.m. for 30 days and co-operate for investigation that the petitioner should not tamper with evidence or witnesses either during investigation or trial and that the petitioner should not abscond either during investigation or trial."

Now, the petitioner herein filed this Criminal Original Petition for modifying the abovesaid conditions.

6. Considering the fact that the case has been registered against the petitioner for the offences punishable under Section 392 r/w. 397 and 506(ii) IPC, this Court finds that the conditions imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 13.12.2017, in Cr.M.P.No.4254 of 2017 are not an exceptional one and the same do not require any modification. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar



2.The Judicial Magistrate No.I,  
Virudhunagar.

3.The Sub-Inspector of Police,  
Mallanginaru Police Station.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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