

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.868 of 2019

1. Archana
2. Kalaivani

... Petitioners/Accused

Vs.

State by
The Inspector of Police,
S8 - Adambakkam Police Station,
Chennai

... Respondent/Complainant

Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. praying to issue a direction thereby modifying the order passed on by the learned Judicial Magistrate, Alandur in Crl.M.P.No.6782 of 2018 and to permit the petitioners to appear before the Jurisdictional Magistrate to comply the remaining period of condition in the case registered against the petitioners.

For Petitioners : Mr.V.Ramurthy

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to issue a direction thereby modifying the order passed by the learned Judicial Magistrate, Alandur in Crl.M.P.No.6782 of 2018 on 05.12.2018 and to permit the petitioners to appear before the Jurisdictional Magistrate to comply the remaining period of condition in the case in Crime No.705 of 2018 registered against the petitioners.

2. The learned counsel for the petitioners would submit that the petitioners were arrested and remanded to judicial custody on 05.11.2018 with regard to Crime No.705 of 2018 for the offences under Section 379 I.P.C. Pursuant to that, in Crl.M.P.No.6782 of 2018 on 05.12.2018 the learned Judicial Magistrate, Alandur granted bail to the petitioners with a

condition to appear before the respondent Police daily at 10.00 a.m. for a period of 30 days. Similarly, in another case, on 20.12.2018 this Court has also granted bail to the petitioners with regard to Crime No.572 of 2018 imposing the condition to appear before the Madipakkam Police Station daily 10.30 a.m. for a period of 30 days. He further submits that the petitioners find it difficult to comply with the condition as the distance between the two Police Stations are nearly 5 kms, and eventhough with great difficulty the petitioners are complying the condition regularly from 26.12.2018 every day without default till date. Therefore, he sought for modification of the said condition imposed by the learned Judicial Magistrate, Alandur in CrI.M.P.No.6782 of 2018 on 05.12.2018 and to permit the petitioners to appear before the Jurisdictional Magistrate for the remaining period of condition.

3. The learned Additional Public Prosecutor would submit that she has no serious objection for allowing this petition.

4. Considering the submissions made by the both parties, this Court is inclined to modify the order passed by the learned Judicial Magistrate, Alandur in CrI.M.P.No.6782 of 2018 dated 05.12.2018 to the effect that the petitioners shall appear before the Jurisdictional Magistrate to comply the remaining period of condition.

5. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Alandur
2. -do- Thro Chief Judicial Magistrate, Egmore, Chennai.
3. The Inspector of Police, S8 - Adambakkam Police Station, Chennai
4. The Public Prosecutor, High Court of Madras, Chennai.

+lcc to Mr.V.Ramurthy, Advocate, S.R.No.3021

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CS/22/01/2019