

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8700 of 2019

1.Ponnaiyan K V
2.Easan
3.Munusamy M
4.Perumal
5.Muthuvel
6.Chenniyangiri P
7.Krishinamoorthi
8.Kavin
9.Saravanan A
10.Venkatachalam
11.Palanivel.R
12.Muthusamy.P

... Petitioners/Accused to 12

Vs.

The State Represented by
The Inspector of Police,
Arachalur Police Station
Erode Police Station.
(Crime No.82 of 2019)

... Respondent/Complainant

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the condition imposed in order dated 21.03.2019 in Crl.M.P.No.1603 of 2019 on the file of the learned Judicial Magistrate No.II, Erode, Erode District.

For Petitioner : Mr.V.Lakshminarayanan
For Mr.M.Guruprasad

For Respondent :Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to modify the condition imposed by the Court below while granting bail to the petitioners, directing the petitioners to

appear before the Judicial Magistrate Court every day at 10.30 a.m and 5.00 p.m.

2. The learned counsel for the petitioners submitted that the petitioners were merely agitating against the erection of high tension towers. This was challenged before this Court in W.P.No.7057 of 2019 and this Court, by an order dated 13.03.2019 ordered status-quo to be maintained. Inspite of the said order, the officials went ahead to erect the tower and the petitioners had agitated with regard to the same. Immediately, an FIR was registered and the petitioners were also arrested. The learned counsel submitted that the condition imposed by the Court below is onerous which is not required to be imposed on the facts and circumstances of the case and therefore, it requires the interference of this Court.

3. The learned Additional Public Prosecutor submitted that the Court below has imposed the condition taking into consideration the facts and circumstances of the case and there is no requirement to interfere with the same.

4. Taking into consideration, the facts and circumstances of the case, this Court is of the considered view that the condition imposed by the Court below is onerous. The petitioners were merely agitating against the erection of high tension tower in agricultural lands, inspite of an interim order of status-quo granted by this Court, the nature of dispute involved in this case does not require such a onerous condition that has been imposed by the Court below. The condition imposed by the Court below necessarily requires interference.

5. The condition imposed by the Court below directing the petitioners to appear before the concerned Court at 10.30 a.m and 5.00 p.m is hereby set aside. The petitioners shall appear before the respondent police as and when required for interrogation.

6. This Criminal Original petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II, Erode, Erode District.

2.The Inspector of Police,
Arachalur Police Station
Erode Police Station.
(Crime No.82 of 2019)

3.The Public Prosecutor, Madras High Court.

+1cc to Mr.M.Guruprasad, Advocate SR.No.30967

Cr1.O.P.No.8700 of 2019

RJI (CO)
GMY (23/04/2019)



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