

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.06.2019

CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.12754 of 2019

Khaji Moideen

...Petitioner

-Vs-

The State represented by
Assistant Commissioner of Police,
Ambattur Range,
Ambattur, Chennai.
Cr.No.746 of 2014

.... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C to set aside the order passed in Crl.M.P.No.2070 of 2019 dated 30.04.2019 passed by the Principal District Sessions Judge, Thiruvallur and relax the condition imposed in Crl.M.P.No.5633 of 2018 dated 6.2.2019 passed by Principal District and Sessions Judge, Thiruvallur on condition to report before the respondent police every Monday and Friday by 10.00 a.m until further orders.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.C.Raghavan,
Government Advocate (Crl.Side)

ORDER

This Criminal Original petition has been filed seeking to modify one of the conditions imposed by the Court below while granting bail to the petitioner.

2. The Court below apart from imposing other conditions has also imposed the condition to the effect that the petitioner should not leave the jurisdiction of the Court without prior permission of the Court.

3. Mr.Sankara Subbu, learned counsel appearing on behalf of the petitioner submitted that the petitioner has complied with the condition till date. By virtue of this condition, the petitioner is not in a position to move out of Tiruvallur and as a result of the same, he is not able to eke his livelihood. Therefore, the learned counsel for the petitioner submitted that

the above said condition requires modification. The learned counsel for the petitioner further submitted that some of the co-accused who were granted bail by this Court were also put to certain conditions by this Court and the same condition could be made applicable to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the Court below has imposed the above said condition after taking into consideration the seriousness of the offence and also the attendant facts and circumstances of the case. The learned Government Advocate (Crl.Side) submitted that there is no requirement to interfere with the conditions imposed by the Court below.

5. This Court has carefully considered the submission made on either side and also the materials placed on record.

6. The above condition imposed by the Court below has been complied with by the petitioner from the month of February 2019 till date and the petitioner continues to reside within the jurisdiction of the Court at Tiruvallur. This Court while considering the bail condition filed by the co accused, imposed the condition to the effect that the concerned accused persons shall appear before the Trial Court and the respondent police once in a week. This Court is of the considered view that the same condition can be imposed for the petitioner also.

7. In view of the above, the above condition imposed by the Court below is modify to the extent that the petitioner shall appear before the Principal Sessions Judge, Tiruvallur, on every Monday at 10.30 a.m and shall also report before the Respondent Police on the same day at 5.30 p.m, until further orders. The other conditions imposed by the Court below shall stand as it is. It goes without saying that the petitioner shall be present before the Trial Court during every date of hearing without fail.

This Criminal Original Petition is disposed of with the above modification.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

drl/dh

To

1.The Principal District and Sessions Judge,
Tiruvallur.

2.The Assistant Commissioner of Police,
Ambattur Range,
Ambattur, Chennai.

Crl.O.P.No.12754 of 2019

MP (CO)

RRS (21/06/2019)



WEB COPY