

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16109 of 2019

1. Arulmozhi Selvi

2. Sabari Kumaran

..Petitioners

vs.

State rep by

The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.

(Crime No.170 of 2019)

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed on the petitioners in Crl.M.P.No.655 of 2019 dated 07.06.2019 to an extent that to sign daily before the respondent police by 10.00 a.m. until further orders passed by the learned Principal Sessions Judge, Tiruppur.

For Petitioners: Mr.D.Veerasekharan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking to modify the condition imposed by the Court below while granting anticipatory bail to the petitioners.

2. The respondent police registered an FIR in Crime No.170 of 2019 for the offences under Sections 379, 294(b), 323 and 506 (ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 . The petitioners have been arrayed as A2 and A3. An anticipatory bail was filed before the Principal Sessions Judge, Tiruppur and the said petition was ordered by imposing certain conditions. One of the condition was that the petitioners will have to sign daily before the respondent police at 10 a.m. until further orders. It is this condition that has been put to challenge in this Criminal Original Petition.

3. The learned counsel for the petitioners submitted that the petitioners are the wife and son of A1. There was a family dispute between the parties and a false case was foisted by adding the petitioners also as the accused persons. The learned counsel further submitted that the 2nd petitioner is a minor boy who suffers from disability of 40% permanent visual impairment. The Court did not even take that into consideration and had mechanically imposed a condition which is onerous and therefore the same requires interference.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that the Court below ought not to have imposed such a onerous condition. The Court did not even take into account the fact that the 2nd petitioner is a young boy, aged about 19 years, who suffers from 40% permanent visual impairment. The condition imposed against the petitioners are totally disproportionate to the nature of the allegations that have been made against the petitioners in the complaint. This condition necessarily requires interference by this Court.

6. The condition under challenge is set aside and there shall be a direction to the petitioners to appear before the respondent police as and when required in the course of investigation. It is made clear that the respondent police shall not call the 2nd petitioner for interrogation unless it is very essential.

7. This Criminal Original petition is disposed of accordingly.

Sd/-
Assistant Registrar (Insp. Cell)

//True Copy//

Sub Assistant Registrar

ssr/jas

To

1. The Principal Sessions Judge,
Tiruppur.
2. The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.

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3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.51904

CrI.O.P No.16109 of 2019

NRJK (CO)

RRS (25/06/2019)



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