



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM

WEB COPY

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P(MD)No.6136 of 2019

Paul Rajendran

.. Petitioner/Accused No.1

Vs

The Inspector of Police,
Kottar Police Station,
Nagercoil,
(Crime No.65 of 2019)

.. Respondent/Complainant

Prayer:Criminal Original Petition filed under Section 439 (i) (b) of Cr.P.C., to set aside the order dated 28.03.2019 made in Crl.M.P.No.1255 of 2019 on the file of the learned Principal Sessions Judge, Nagercoil and consequently modify the condition imposed on the petitioner accused in Crl.M.P.No.856 of 2019 dated 06.03.2019, on the file of the learned Principal Sessions Judge, Nagercoil and allow the above criminal original petition.

For Petitioner : Mr.Veerakathiravan Senior Counsel
for M/s.Veera Associates

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to set aside the order dated 28.03.2019 made in Crl.M.P.No.1255 of 2019 on the file of the learned Principal Sessions Judge, Nagercoil and consequently modify the condition imposed on the petitioner accused in Crl.M.P.No.856 of 2019 dated 06.03.2019, on the file of the learned Principal Sessions Judge, Nagercoil and allow the above criminal original petition.

2. The petitioner was granted anticipatory bail on 06.03.2019 with the condition that the petitioner should appear before the the learned Judicial Magistrate, No.II, Nagercoil daily at 10.30 a.m., for a period of 15 days. Thereafter, the petitioner filed a modification petition before the Court below on the ground that the petitioner is a senior citizen, he is the native in Tuticorin and also suffering from Bilateral Kersalvaya. Due to that the petitioner unable to comply the condition regularly and the same was dismissed on the ground that the petitioner has complied the condition only four days.



3. The learned counsel for the petitioner would submit that the petitioner have no intention to not comply the condition before the learned Magistrate. Only due to his ill health, he did not comply the condition. Since the petitioner is the native of Tuticorin, he is ready to appear before the Tuticorin Court.

WEB COPY

4. The learned Government Advocate (Crl.Side) would submit that the offence was committed in the jurisdiction of Nagercoil. Investigation is almost completed.

5. Considering the fact and circumstance of the case and considering the submission made by both counsels, this Court is of the considered view that the order of the learned Principal Sessions Judge, Nagercoil in Crl.M.P.No.1255 of 2019 is set aside and the condition imposed by the Court below is modified as the petitioner shall appear before learned Judicial Magistrate, No.I, Tuticorin daily 10.30 a.m., for a period of 15 days. Thereafter, the petitioner shall appear before the respondent police as and when required for interrogation.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal Sessions Judge,
Nagercoil.

2.The Judicial Magistrate No.II,
Nagercoil

3. The Judicial Magistrate, No.I,
Tuticorin.

4. The Inspector of Police,
Kottar Police Station, Nagercoil.

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

+1 cc to M/s.Veera Associates , Advocate SR.No.7378

dss

Crl.O.P(MD)No.6136 of 2019
26.04.2019