

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19462 of 2020
and
Crl.Mp.No.7832 of 2020

A.Ramanathan

... Petitioner

Versus

The State represented by,
The Inspector of Police,
M4, Red Hills P.S.,
Chennai.
(Crime No.592 of 2019)

... Respondent

Criminal Miscellaneous Petition is filed under Section 439(1) of the Criminal Procedure Code, pleaded to set aside the condition imposed under Section 167(2) of Criminal Procedure Code, as to appear before the Judicial Magistrate No.II, at Ponneri daily twice at 10.00 a.m., and 5.00 p.m., for a period of one month as illegal, unlawful and violating of Article 21 of the Constitution of India made in Crl.Mp.No.2003 of 2020 pending on the file of the Judicial Magistrate No.II, at Ponneri in Crime No.592 of 2019 on the file of the respondent police.

For Petitioner : Mr.R.Krishnamurthy

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed to set aside the condition imposed on the petitioner under Section 167 of Cr.P.C, to appear before the Judicial Magistrate No.II, at Ponneri daily twice at 10.00 a.m., and 5.00 p.m., for a period of one month as illegal, unlawful and violating of Article 21 of the Constitution of India made in Crl.Mp.No.2003 of 2020 pending on the file of the Judicial Magistrate No.II, at Ponneri in Crime No.592 of 2019 on the file of the respondent police.

2.The learned counsel for the petitioner would submit that the petitioner was falsely implicated in this case in Crime No.592 of 2019 registered by the respondent police for the offence under Sections 294(b), 307 of IPC., and Section 27(1) of Arms Act, 1959. He would further submit that the petitioner has obtained Arm's license for the gun, to protect himself from untoward incidents. He would further submit that the respondent police arrested the petitioner and remanded him to the Judicial Custody before the Judicial Magistrate No.II at Ponneri on 30.09.2019 and he was in judicial custody from 30.09.2020 to 14.02.2020. Thereafter, the petitioner was released on bail on 14.02.2020 with a condition that he shall

appear before the Judicial Magistrate No.II at Ponneri daily at 10.30 a.m., until further orders. The petitioner had to go to Andhra Pradesh for complying with the condition in another case and due to Covid-19 he was struck in Andhra Pradesh and thereby, the petitioner was unable to comply with the condition as directed by the learned Judicial Magistrate No.II, Ponneri. Meanwhile, the respondent had filed an application for cancellation of the bail granted to the petitioner in Crl.Mp.No.2003 of 2020 and the same was taken on file by the Judicial Magistrate No.II, Ponneri. After enquiry, the application was dismissed however, an onerous condition has been imposed on the petitioner, that the petitioner shall appear before the Judicial Magistrate No.II, Ponneri, daily twice at 10.00 a.m., and 5.00 p.m., for a period of one month.

3.The learned counsel for the petitioner would further submit that the petitioner has been appearing daily at 10.30 a.m., from 23.11.2020 and he has almost complied with the conditions as directed by the Court for more than 26 days and only 4 days are remaining to be complied and thereby he would seek for modification.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that since the petitioner did not comply with the condition that the respondent had filed a petition for cancellation of condition and the learned Judge while dismissing the petition for cancellation of condition has directed the petitioner to comply with the condition for 30 days in the morning at 10.00 a.m., and evening at 5.00 p.m.

5. In view of the above submission made by the learned counsel for the petitioner, the condition imposed on the petitioner in Crl.MP.No.2003 of 2020 by the Judicial Magistrate No.II, Ponneri, on 20.11.2020 is modified to the effect that the petitioner shall appear before the Judicial Magistrate No.II, Ponneri, as and when required.

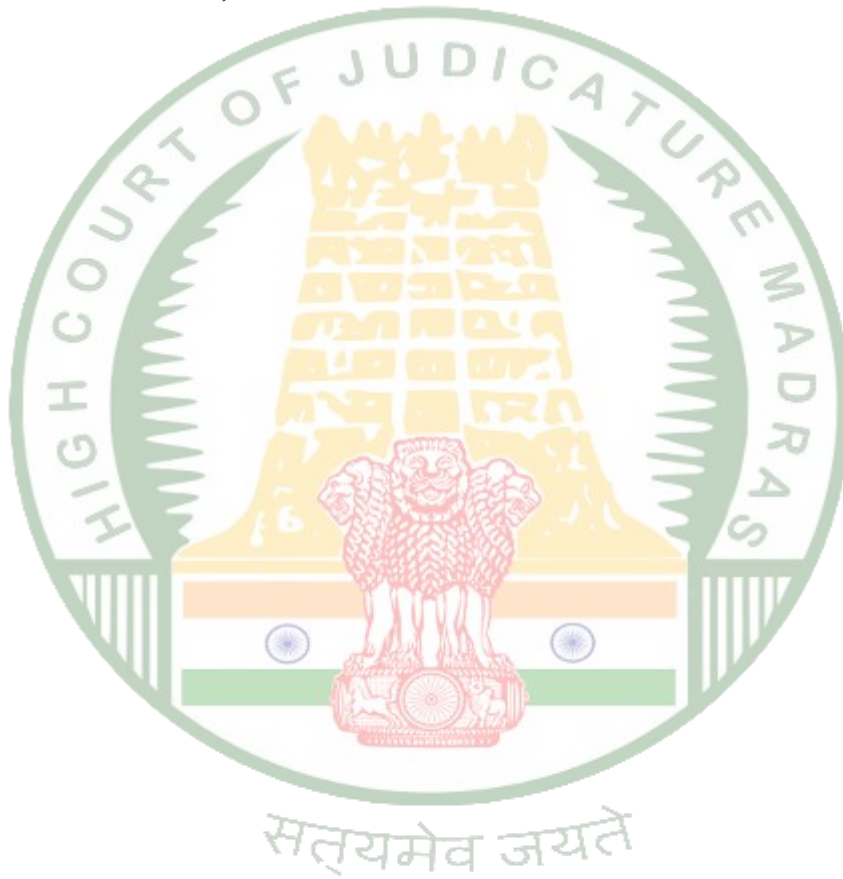
6. With the above directions, this criminal original petition is ordered. Consequently, the connected miscellaneous petition is closed.

18.12.2020

Internet: Yes
Index: Yes/No
klt

To

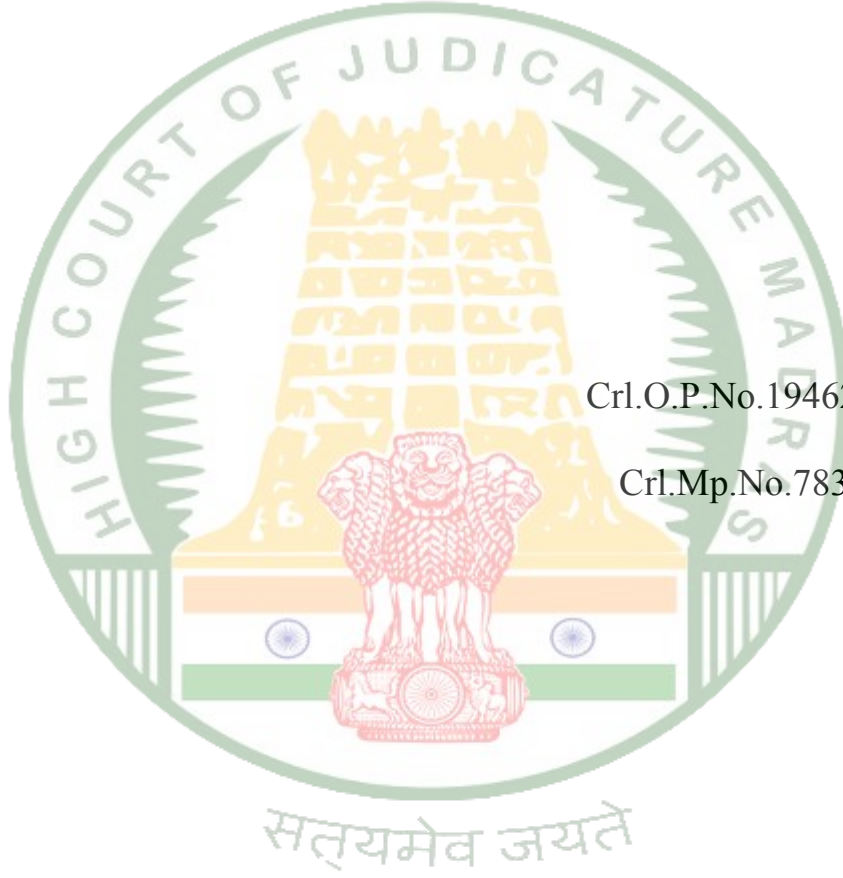
- 1.The Inspector of Police,
M4, Red Hills P.S.,
Chennai.
- 2.The Public Prosecutor
High Court of Madras, Chennai.



WEB COPY

A.D.JAGADISH CHANDIRA, J.

klt



Crl.O.P.No.19462 of 2020
and
Crl.Mp.No.7832 of 2020

WEB COPY 18.12.2020