



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.4709 of 2020

WEB COPY

1.Vanam

2.Ravi

... Petitioners/Accused Nos.1 and 2
Vs

State represented by
The Inspector of Police,
Mayiladumparai Police Station,
Theni District.

(Crime No.8 of 2020)

... Respondent/Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to modify the condition of the bail order dated 24.02.2020 in Cr.M.P.No.657 of 2020 on the file of the Principal Sessions Court, Theni, imposed upon the petitioners.

For Petitioners	: Mr.P.Kaathan Rajkumar
For Respondent	: Mr.A.Robinson
	Government Advocate (Crl.side)

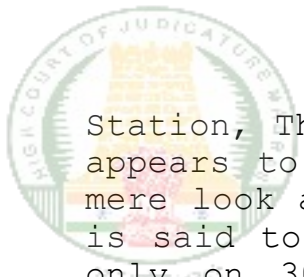
ORDER

The petitioners are figuring as accused in Crime No.8 of 2020 registered on the file of the Mayiladumparai Police Station for the offences under Sections 294(b), 447, 353 and 506 (ii) of IPC.

2.The petitioners applied for anticipatory bail and the learned Sessions Judge was pleased to grant anticipatory bail. But then, a condition was imposed that the petitioners shall report before the Judicial Magistrate No.1, Krishnagiri daily at 10.30 a.m., and 05.00 p.m., until further orders. The petitioners applied for modification of the same. The petitioner's petition for modification stood dismissed vide order dated 06.03.2020 on the ground that the petitioners have not obeyed the conditions as per previous order dated 24.02.2020. The same is under challenge in this petition.

3.The learned counsel appearing for the petitioners pointed out that the first petitioner is a cancer patient and the second petitioner is his son who is taking care of him.

4.The petitioners are residents of Arasarai Village which is located in a remote hilly area. The petitioners appear to have been doing agricultural activities in a reserved forest area. The same was destroyed by the forest officials. The petitioners, objecting the same, had lodged a complaint before the Highways Police



Station, Theni on 25.01.2020. As a counter blast, the case on hand appears to have been registered by the forest officials. Even a mere look at the FIR would indicate that even though the occurrence is said to have been taken place on 24.12.2019, FIR was registered only on 30.01.2020. The petitioners have also enclosed the medical records of the first petitioner.

5.I am of the view that the petitioners have already suffered double damage. Their crops have been destroyed and they are facing criminal prosecution. It is not necessary to add to their agony by asking them to appear before the Krishnagiri Court. An imposition of such a condition is not going to advance the cause of justice or the investigation. Hence, the condition imposed on the petitioners vide order dated 24.02.2020 in Crl.M.P.(MD)No.657 of 2020 is totally relaxed.

6.The impugned order is set aside. This criminal original petition is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi
To

1.The Principal Sessions Court, Theni.

2.The Inspector of Police,
Mayiladumparai Police Station,
Theni District.

Copy to:

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

+1 CC to M/s.P.KAATHAN RAJKUMAR, Advocate (SR-12080[F] dated 17/03/2020)

Crl.O.P(MD)No.4709 of 2020

KK/19.03.2020/ 2P-5C