

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18..03..2021

CORAM :-

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.5280 of 2021

Surendar @ Nathigan
S/o Natarajan

... Petitioner

-Versus-

The State Rep. by
The Inspector of Police,
Jalakandapura Police Station,
Jalakandapuram,
Salem District.
[Crime No.524 of 2020]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 (1)(b) of Criminal Procedure Code praying to modify the condition imposed by the learned Judicial Magistrate-II, Mettur in Crl.M.P.No.439 of 2021 by order dated 09.02.2021, in crime No.524 of 2020 directing the petitioner, on his release from prison, to report before the respondent police for not less than one month.

For Petitioner : Mr.D.Arun

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner has come forward with this criminal original petition seeking to modify the condition imposed by the learned Principal Sessions Judge, Namakkal while granting statutory bail to the petitioner.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioner has been implicated for offence under Section 153-A(1)(a), 295-A, 505(1)(b), 505(2) of IPC. The learned Judicial Magistrate-II, Mettur, while granting statutory bail to the petitioner directed him, on release from the prison, to appear and sign before the respondent police for not less than one month. Seeking to modify the above said condition, the present petition has been filed.

4. The learned counsel for the petitioner submitted that the conditions imposed on the petitioner directing him to appear before the respondent police at Jalakandapuram is onerous one and the petitioner being resident of Chennai it is impracticable for him to comply with the above said condition, particularly, in view of threat of COVID19 infection.

5. The learned Additional Public Prosecutor objected for modifying the condition.

6. The petitioner, after he was remanded to judicial custody in this case, was admittedly detained under Act 14 of 1982 and he was in judicial custody for more than five months. Subsequently, the order of detention was set aside by this court. Thereafter, the petitioner was ordered to be released on statutory bail on 09.02.2021 on certain conditions. Considering the above facts and circumstances and the petitioner being a resident of Chennai, it is impracticable for him to stay in Salem District and report before the respondent police as directed by the learned Magistrate in view of the pandemic situation, this court is inclined to modify the condition imposed by the learned Magistrate. Accordingly, the petitioner shall, on his return to Chennai, report before the Inspector of Police, Adayar, Chennai, daily at 10.30 a.m. for a period of two weeks and thereafter he shall appear before the respondent police as and when required by them. The rest of the conditions imposed by the learned Magistrate shall stand unaltered.

In the result, this Criminal Original Petition is allowed with the above modifications.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Principal Sessions Judge,
Salem, Salem District.
- 2.The Judicial Magistrate-II,
Mettur, Salem District.
- 3.The Inspector of Police,
Jalakandapura Police Station,
Jalakandapuram,
Salem District.

4.The Inspector of Police,
Adayar, Chennai.

5.The Public Prosecutor,
High Court of Madras, Chennai.

Cr1.O.P.No.5280 of 2021

SR-II (CO)

CB(29/03/2021)



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