

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18..03..2021

CORAM :-

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.5114 of 2021

1.D.Rajan
2.R.Kamalam
3.Anurag Rajan @ Rakav

.... Petitioners/Accused 1, 2 & 3

-Versus-

The State Rep. by
The Sub Inspector of Police,
Sendamangalam Police Station,
Namakkal District.

[Crime No.830 of 2020] Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 (1)(b) of Criminal Procedure Code praying to modify the condition imposed by the learned Principal Sessions Judge, Namakkal, Namakkal District while granting anticipatory bail in Crl.M.P.No.268 of 2021 by order dated 05.03.2021, directing the petitioners, on their surrender and executing surety bonds as directed, to stay at Madurai and appear and sign before the learned Judicial Magistrate-I, Madurai, daily at 10.30 a.m. until further orders and to report before the respondent police as and when required.

For Petitioners : Mr.T.Muruganantham

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

O R D E R

(The case has been heard through video conference)

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

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

3. The petitioners have been implicated for offence under Section 294(b), 336 and 506(ii) of IPC. The learned Principal Sessions Judge, Namakkal, while granting

anticipatory bail directed the petitioners, on their surrender and executing surety bonds, to stay at Madurai and appear and sign before the learned Judicial Magistrate-I, Madurai, daily at 10.30 a.m. until further orders. It is this condition which the petitioners seek to modify.

4. The learned counsel for the petitioners submitted that the conditions imposed on the petitioners directing them to stay at Madurai and report before the learned Judicial Magistrate-I, Madurai is onerous one due to the continued pandemic situation and therefore, they prayed this court to modify the above said condition suitably.

5. The learned Additional Public Prosecutor has no serious objection for modifying the condition.

6. It is not the case that the petitioners are facing threat to their lives. It is also not the apprehension of the prosecuting agency that the petitioners would create law and order problem if they are allowed to be stayed at their home town. Considering the fact that the entire occurrence was due to civil dispute between the parties and the offences alleged are not serious in nature and there is civil litigation pending between the parties and also on considering the pandemic situation due to Covid19 and the other circumstances of the case, this Court is inclined to modify the condition imposed by the learned Principal Sessions Judge, Namakkal, directing them to stay at Madurai and appear before the learned Judicial Magistrate-I, Madurai, daily at 10.30 a.m. until further orders. The above said condition is, accordingly, modified to the effect that the petitioners 1 and 3 alone shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required by the respondent police. The rest of the conditions imposed by the learned Judge shall stand unaltered.

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

18..03..2021

kmk

For Being Mentioned:

This case been heard through Vedio conference under the caption "for being mentioned"(on Tuesday, Thirtieth day of March 2021) on 30.03.2021 in pursuance to the order of this Court dated 18.03.2021, made herein in the presence of above said counsels on the either side, the court made the following order:

This Criminal Original Petition was disposed of by this court, by order dated 18.03.2021, modifying the condition imposed by the learned Principal Sessions Judge, Namakkal.

2. Today, it has been listed under the caption "For Being Mentioned" at the instance of the learned counsel for the petitioners for extension of time.

3. Heard both sides.

4. According to the learned counsel for the petitioners, the petitioners have not yet surrendered and furnished sureties pursuant to the directions of the learned Sessions Judge, and therefore, time has to be extended.

5. The learned Additional Public Prosecutor has serious objection in granting time.

6. Having regard to the above, two weeks time is granted to the petitioners from the date on which the order copy is made ready to enable them to surrender and furnish sureties as directed by the learned Principal Sessions Judge, Namakkal. This order shall be treated as part of the order dated 18.03.2021.

30..03..2021

Note: The registry is directed to issue certified copy of the order accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Principal Sessions Judge,
Namakkal, Namakkal District.

2.The Judicial Magistrate-I,
Madurai, Madurai District.

3.The Sub Inspector of Police,
Sendamangalam P.S., Namakkal District.

4.The Judicial Magistrate,
Sendamangalam, Namakkal District.

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

+2cc to Mr.T.Muruganantham, Advocate SR.17606, 20758

Cr1.O.P.No.5114 of 2021

MG(CO)

CB(31/03/2021)

<https://hcservices.ecourts.gov.in/hcservices/>