

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18..03..2021

CORAM :-

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.5153 of 2021

1.D.Rajan
2.R.Kamalam

... Petitioners

-Versus-

The State Rep. by
The Sub Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
[Crime No.817 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 Principal Sessions Judge, Namakkal, Namakkal District while granting anticipatory bail in Crl.M.P.No.269 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

WEB COPY
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) and 506(1)(a) 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.

Kmk

18/03/2021

This CrI.O.P. Coming on for hearing on Tuesday, the 30th day of March 2021 under the Caption "for Being Mentioned" through video conference in Pursuance to the order of this Court dated 18/03/2021 and made herein in the presence of Mr.T.Muruganantham, Counsel for the Petitioner, and Mr.S.Karthikeyan, Additional Public Prosecutor for Respondent the Court made the following order;

[This case has been heard through video conference]

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.

kmk

30/03/2021

Sd/-
Assistant Registrar(CS III)

*Issue Certified Copy as per
order of this Court dated 30/03/2021

//True Copy//

Sub Assistant Registrar

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.

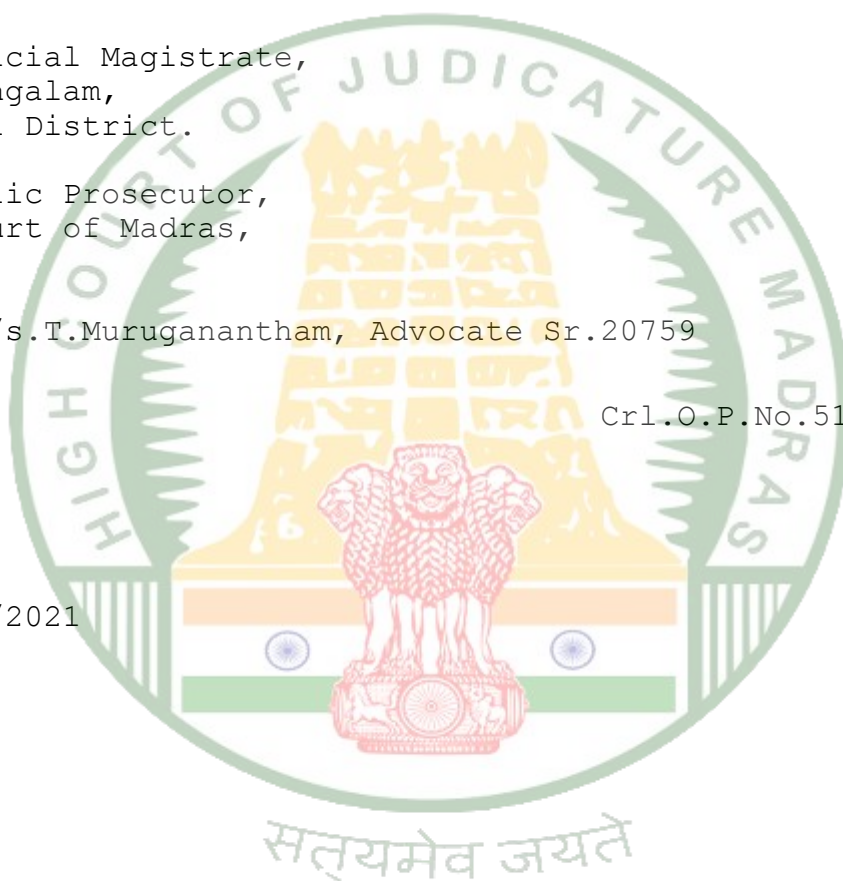
5.The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to M/s.T.Muruganantham, Advocate Sr.20759

Cr1.O.P.No.5153 of 2021

ad[co]

srg 07/04/2021



WEB COPY