



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.17756 of 2021

and

CrI.M.P.No.9743 of 2021

Archana Raj

...Petitioner/Intervenor/
Defacto Complainant

Vs.

1. Prajeesh Raj

...Respondent/Petitioner/Accused-2

2. State Represented by,
The Inspector of Police,
All Women Police Station,
Perur, Coimbatore District.

...Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to set aside the Order dated 29.04.2021 made in CMP No.1858 of 2021 in CMP NO.1403 of 2021 in Crime No.3 of 2021 on the file of the Principal District & Sessions Judge, Coimbatore.

For Petitioner : M/S.P. Saravana Sowmiyan

For Respondents : Mr.A. Gopinath
Government Advocate (CrI.Side)

O R D E R

This Criminal Original Petition has been filed seeking to set aside the Order dated 29.04.2021 made in CMP No.1858 of 2021 in CMP NO.1403 of 2021 in Crime No.3 of 2021 on the file of the Principal District & Sessions Judge, Coimbatore.

2. The 1st respondent/A-2 herein is the brother of the accused/A-1 and he had been charged for an alleged offence under Sections 498-A, 406 & 506(2) of IPC and Section 4 of Dowry Prohibition Act and prayed the Court below to enlarge him on bail. Though the 1st respondent/A-2 and the main accused/A-1 were implicated in the matrimonial case by the petitioner, however, considering the nature of dispute and period of detention, the Court below made absolute the interim bail which was already granted to the 1st respondent/A-2 in CMP No.1403 of 2021 dated



20.04.2021 and imposed certain conditions. Thereafter, the 1st respondent/A-2 filed a modification petition before the Court below in CMP No.1858 of 2021 dated 29.04.2021 to modify the condition that the 1st respondent/A-2 should not leave India without getting prior permission of the Court below. Considering that the 1st respondent/A-2 was employed in Dubai and taking into account the fact that if he was not permitted to travel to Dubai, he would lose his job, the Court below modified the condition and directed the 1st respondent/A-2 to file an affidavit before the Court below stating that he should co-operate with the investigation agency as and when required and to furnish the details of his e-mail address and ID, mobile number which is used by him in Dubai so as to enable the respondent police to contact him. Challenging the same, the present petition is filed by the petitioner to set aside the Order dated 29.04.2021.

3. The learned counsel appearing for the petitioner submits that the 1st respondent is the brother of the accused/A-1 and if the 1st respondent is permitted to travel abroad, he would escape from the clutches of law and could not be secured.

4. On the above contentions, this Court heard the learned Government Advocate (Crl.Side) for the 2nd respondent.

5. It is relevant from the submission of the respondent that investigation is completed and charge sheet has been filed. The Court below taking into account the fact that the 1st respondent is only the brother of the accused/A-1 and is employed in Dubai and would lose his job if he is not permitted to go to Dubai, and also taking into consideration the allegation against the 1st respondent, and also the gravity of the said allegations, had thought it fit to modify the condition and permitted the 1st respondent to go outside the jurisdiction of the Court. The modification ordered by the Court below cannot be said to be unreasonable or unsustainable and it has been modified on the basis of reasonableness, which does not require interference.

6. Accordingly, for the reasons aforesaid, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District & Sessions Judge,
Coimbatore.

2. The Inspector of Police,
All Woman Police Station,
Perur, Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.17756 of 2021
and
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CP(CO)
RGA(17/11/2021)