



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL MISCELLANEOUS PETITION No.11860 of 2021

IN CRL OP.10126/2021

K.V.SAYAN

[PETITIONER]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SHOLURMATTAM POLICE STATION,
KOTAGIRI, THE NILGIRIS.
CR.NO.158/2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to relax the condition imposed on the petitioner viz., (d) The petitioner shall report before the Trial Court on every Monday at 10.30 a.m. apart from regular hearings in Crl.O.P.No.10126 of 2021 by its order dated 07.07.2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. K.R.RAMESH KUMAR, Advocate for the petitioner, and of M/S.A.GOKULAKRISHNAN, Additional Public Prosecutor, on behalf of the Respondents the court made the following order:-

This petition has been filed seeking relaxation of one of the conditions imposed on the petitioner by this Court while allowing the bail petition in Crl.O.P.No.10126 of 2021, dated 07.07.2021.

2. The learned counsel for the petitioner submits that this Court while enlarging the petitioner on bail on 07.07.2021 in Crl.OP.No.10126 of 2021 had imposed certain conditions and one of such conditions was that the petitioner shall report before the Trial Court on every Monday at 10.30 a.m., apart from regular hearings.



3. The learned counsel for the petitioner further submits that the petitioner is complying with the conditions regularly as directed by this Court and for complying with the above condition, the petitioner has stayed at Ooty for the past 3½ months. Therefore, he was not able not visit his native place and he further submits that petitioner's mother is aged about 72 years and presently residing at Trissur, State of Kerala is suffering with heart ailments and her heart condition is deteriorating day by day and her movements is restricted within the house and not able to see her past 2 years. He further submits that the petitioner has not seen his mother for the past two years because of his confinement in prison and further condition imposed on him and he may be permitted to visit his ailing mother . Hence, the present petition.

4.The learned Additional Public Prosecutor raised objection stating that now only the further investigation started and if the said condition is relaxed, there will be a delay on further investigation in the case, but, the learned Additional Public Prosecutor admits that the petitioner has complied with the conditions without fail as directed by this Court.

5. The learned counsel for the petitioner fairly admits that the petitioner surrendered before the Court below and he was co-operating for the investigation. Now, the petitioner only wants relaxation for seeing his ailing mother. He further submits that the Madukkarai is a suburb of Coimbatore City and it is located around 12km from the Kerala Border. Hence, the learned counsel for the petitioner requests this Court that the petitioner may be directed to appear before the Madukkarai Police Station, Coimbatore District.

6. Taking into consideration the facts and circumstances of the case, the condition in Paragraph No.5 (d) of the Order in CrI.OP.No.10126 of 2021 dated 07.07.2021 shall stand modified for 2 weeks as follows:

''The petitioner is allowed to sign before the Madukkarai Police Station, Coimbatore District on every Monday and Friday for a period of two weeks and thereafter, the petitioner should follow the regular conditions as per the earlier order dated 07.07.2021''

7. Except the above relaxation, the other conditions imposed by this Court in CrI.O.P.No.10126 of 2021, on 07.07.2021, shall remain unaltered.



8. With the above relaxation, this Criminal miscellaneous Petition is disposed of.

WEB COPY

-sd/-
03/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
NILGIRIS, UDHAGAMANDALAM.

2 THE INSPECTOR OF POLICE,
SHOLURMATTAM POLICE STATION,
KOTAGIRI,
THE NILGIRIS.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. K.R.RAMESH KUMAR Advocate on payment of necessary charges

Order

in
CRL MP.11860/2021

in
CRL OP.10126/2021

Date :03/12/2021

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

TA-06/12/2021