



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24831 of 2021

H.Jaffer Sathik

... Petitioner/Accused 2

Versus

State Rep. by
The Inspector of Police,
Central Crime Branch,
Vepaery, Chennai.
(Crime No.165 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition with respect to "The Petitioner shall appear before the Respondent police daily at 10.30 a.m. until further orders" imposed, vide order dated 19.11.2021, in Crl.M.P.No.20736 of 2021 on the file of the learned Principal District and Sessions Judge at Chennai in Crime No.165 of 2020 on the file of the Respondent police.

For Petitioner : Mr.A.Rajamohamed

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to modify the condition with respect to "The Petitioner shall appear before the Respondent police daily at 10.30 a.m. until further orders" imposed, vide order dated 19.11.2021, in Crl.M.P.No.20736 of 2021 on the file of the learned Principal District and Sessions Judge at Chennai in Crime No.165 of 2020 on the file of the Respondent police.

2.The grievance of the petitioner is that the petitioner was granted bail by the learned Principal District and Sessions Judge at Chennai in Crl.M.P.No.20736 of 2021 with certain conditions. One of the condition is that the petitioner to appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner is a vendor of tomatoes, due to the condition imposed, he is unable to carry on with his day-to-day work. Hence, he is in unable to have his livelihood.



3. Further the learned counsel appearing for the petitioner submits that he had already remit the amount of Rs.20,000/- to the credit of the Crime No.165 of 2020, before the concerned Principal Sessions Court. The receipt is also produced.

4. The learned Additional Public Prosecutor submits that the petitioner deliberately produced forged rental agreement and availed the loan of Rs.20,000/- from the HDFC Bank for the purchase of LED TV. When the EMI was not repaid, the bank officials had gone to the petitioner's house and asked him to repay the loan amount. But he failed to repay the loan amount. Hence the defacto complainant had lodged the complaint. The petitioner was arrested by the respondent police on 28.10.2021 and the petitioner has been complying with the condition imposed by the Principal Sessions Court, Chennai.

5. Considering the submissions and on perusal of materials, this Court finds that the petitioner had availed the loan of Rs.20,000/-, and he had paid the amount to the bank. In such circumstances, directing the petitioner to appear before the respondent police would serve no purpose and it is only a onerous condition. In view of the same, the condition imposed by the learned Principal Sessions Judge, Chennai dated 19.11.2021, in CrI.M.P.No.20736 of 2021, is hereby set aside.

6. With the above direction, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge,
Chennai.

2. The Inspector of Police,
Central Crime Branch, Vepaery, Chennai

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Rajamohamed, Advocate SR.No.69219

CRL.O.P.No.24831 of 2021

EV (CO)

<https://hcservices.courts.gov.in/hcservices/>
GM (03/01/2022)