



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

**Wednesday, the Twenty Fourth day of November Two Thousand Twenty One
PRESENT**

The Hon`ble Mrs.Justice R.THARANI

CMP(MD)NO.7555 OF 2021

IN

CRL A (MD) . No.41 of 2021

Mr.Kasamuthu
S/o. Petchimuthu
No.38 Yadhavar Street
Thenthiruperai
Alwarthirunagadi
Thoothukudi District and another.... Petitioner/Appellant/Accused
Vs

1.The Deputy Superintendent Of Police
Alwarthirunagari
Thoothukudi District.

2.The Inspector of Police
Alwarthirunagari Police Station
Thoothukudi District.
(Cr.No. 305 of 2020.)

3.Packiyaraj
S/o. Arumugam
No.7 South Kottar Post
Alwarthirunagadi
Thoothukudi District.

... Respondent/Respondent/Complainant

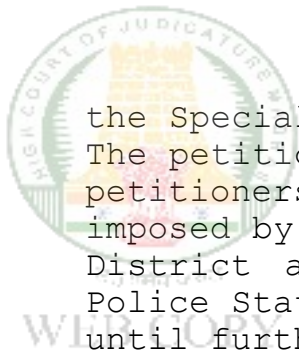
Prayer :-

The Criminal Miscellaneous petition under sec.482 of Criminal Procedure code, Pleased to relax or modify the condition imposed by this Honble Court in condition No.III in order Crl.MP No.3926 of 2021 in CRL A(MD)no.41 of 2021 dt.15/06/2021.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru. T.Lajapathy Roy, Advocate for the Petitioner and of Thiru. K.Sureshkumar, Government Advocate for the respondent(s), this Court made the following order:

This petition has been filed to relax the condition imposed by this Court in Crl.M.P.(MD)No.3926 of 2021 in Crl.A.(MD)No.41 of 2021, dated 15.06.2021.

2. A case in Crime No.305 of 2020 was registered by the respondent police. The petitioners are accused Nos.5 & 6 in the case. They have filed a bail petition in Cr.M.P.No.26 of 2020 before



the Special Court. That petition was dismissed by the Special Court. The petitioners have filed an appeal in CrI.A.(MD)No.41 of 2021. The petitioners were released on bail by this Court and a condition was imposed by this Court to stay at Trichy and not to enter Thoothukudi District and report before the Inspector of Police, Trichy Town Police Station, Trichy, daily twice i.e., 10.30 a.m. and 05.00 p.m., until further orders.

3. To relax the condition, the petitioners have approached this Court by way of filing a petition in CrI.M.P.(MD)No.3926 of 2021, wherein, the petitioners were directed to reside at Tirunelveli and not to enter Thoothukudi District and report before the Tirunelveli Town Police Station on the first working day of every month at 10.30 a.m., until further orders. The petitioners have filed this petition to relax the condition.

4. On the side of the petitioners, it is stated that the petitioners are complying the condition regularly and the petitioners are not the prime accused. The accused Nos.1 and 2 are permitted to reside in Thoothukudi District, whereas, these petitioners are residing at Tirunelveli District, for the past 6 months and they could not go back home for the past 6 months and prayed the condition to be relaxed.

5. On the side of the prosecution, it is stated that the first petitioner is having 2 previous cases and prayed the petition to be dismissed.

6. The alleged occurrence has taken place on 03.11.2020, the petitioners are released on bail on 05.02.2021. The condition was modified on 15.06.2021. It is stated that the prime accused are residing in Thoothukudi District. There is no report of communal unrest prevailing in that area.

7. In the above circumstances, the condition imposed by this Court in CrI.M.P.(MD)No.3926 of 2021 in CrI.A.(MD)No.41 of 2021, dated 15.06.2021, is modified to the effect that the petitioners are directed to appear before the respondent police as and when required by the respondent police and to appear before the Court on all hearing dates. All other conditions, shall remain unaltered. This petition is allowed, accordingly.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



TO

1.The Deputy Superintendent Of Police
Alwarthirunagari
Thoothukudi District.

2.The Inspector of Police
Alwarthirunagari Police Station
Thoothukudi District.

3.The Inspector of police,
Tirunelveli Town P.S.
Tirunelveli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.T.LAJAPATHI ROY, Advocate, SR.No.35906 DATED:25.11.2021

ORDER DATED : 24/11/2021

=====
MODIFICATION
=====

CRL MP(MD)NO.7555 OF 2021
IN
CRL A(MD). No.41 of 2021

To relax the modify and
etc.,.as stated within.

SK(CO)
GC(03.12.2021) 3P 6C