

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3156 of 2021

N.Tamilarasan,
S/o. Alex Natarajan,
No. 18-1-47, Bose Nagar,
Pudukkottai District.

...Petitioner/Sole Accused

Vs

The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District
Crime No. 428/2020.

...Respondent/Complainant

PRAYER :- Petition is filed under Section 439(1)(b) r/w Section 482 of the Code of Criminal Procedure praying to modify the conditions imposed in Cr.M.P.No. 636/2021 dated 12.02.2020 on the file of the learned Principal District Judge, Pudukkottai.

For Petitioner : Mr.Joseph Jerry.A.,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Criminal Side)

ORDER

The present petition has been filed to modify the conditions imposed in Cr.M.P.No. 636/2021 dated 12.02.2020 on the file of learned Principal District Judge, Pudukkottai.

2.The petitioner/sole accused was arrested and remanded to judicial custody on 17.05.2020 in Crime No.428 of 2020 for the alleged offences punishable under Sections 294(b) and 302 of IPC, and hence, seeking bail, he filed an application in Cr.M.P.No.50 of 2021 before the learned Principal Sessions Judge, Pudukkottai. The Court below has granted bail to the petitioner with conditions that the petitioner shall appear and sign before the Judicial Magistrate No.1, Vilupuram, daily twice at 10.30 a.m and 5.00 p.m until further orders. Thereafter, he has been regularly complying with the conditions. Since the petitioner is doing coolie work, he is not in

a position to appear regularly before the Judicial Magistrate No.1, Vilupuram. Hence, he filed modification petition in Cr.M.P.No.636 of 2021 and the Court below has modified the condition as the petitioner shall appear and sign before the Judicial Magistrate No.1, Pudukkottai, daily twice at 10.30 a.m and 5.00 p.m until further orders. Hence, the present petition has been filed seeking modification.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a poor and he is not in a position to appear regularly before the trial Court, since he is under life threat and hence, he seek for modification of the said condition.

4. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the investigation has been completed and charge sheet has also been filed and the same has been taken on file in P.R.C.No.11 of 2020 by the learned Judicial Magistrate No.1, Pudukkottai.

5.Considering the facts and circumstances of the case and also considering the investigation completed, this Court is inclined to modify the condition. Accordingly, the condition stands modified to the effect that the petitioner shall appear before the committal Court on all hearing dates, without fail. The other conditions imposed by the learned Principal District Judge, Pudukkottai, vide order dated 12.02.2020, stand unaltered.

6.This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

VSG

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Principal District Judge,
Pudukkottai.

2. The Judicial Magistrate No.I,
Villupuram.
3. The Judicial Magistrate No.I,
Pudukottai.
4. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.JOSEPH JERRY, Advocate (SR-8469[F] dated 03/03/2021)

Order made in
CRL OP(MD) No.3156 of 2021
Date : 02/03/2021

NA(CO)
SRS (10/03/2021) 3P : 7C