



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the First day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.5095 of 2021

STATE REP.BY
THE INSPECTOR OF POLICE
CRIME BRANCH,
CRIME INVESTIGATION DIVISION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
CRIME NO.05/2020.

... PETITIONER/INVESTIGATION OFFICER

Vs

CHINNA ESAKKI

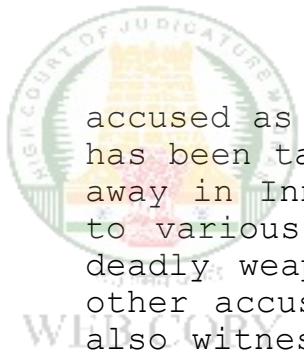
... RESPONDENT/PETITIONER

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to modify the condition imposed in Cr.M.P.NO.236 of 2021 dated 19/01/2021 on the file of the Learned Judicial Magistrate No.I, Kovilpatti that the respondent shall stay at pollachi and report before the inspector of Police, Pollachi Town Police Station instead of appearing before the Judicial Magistrate Court, Srivaigundam, Thoothukudi District daily at 05.00 p.m until further orders.

ORDER: This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) for the petitioner, the court made the following order:-

This petition has been filed to modify the conditions imposed in Cr.M.P.NO.236 of 2021 dated 19.01.2021 on the file of the Learned Judicial Magistrate No.I, Kovilpatti that the respondent shall stay at Pollachi and report before the inspector of Police, Pollachi Town Police Station instead of appearing before the Judicial Magistrate Court, Srivaigundam, Thoothukudi District daily at 05.00 p.m until further orders.

2.This petition has been filed on the ground that the investigation officer had not given full particulars and totally there are four eye witnesses to the occurrence and the statement of the eye witnesses was recorded under Section 164(3) Cr.P.C., before the Judicial Magistrate and implicating the respondent herein as



accused as well as the other accused. In this case, gruesome murder has been taken place, in which, the deceased had been forcibly taken away in Innova Car. The car was driven around two hours non stop to various place and assaulted the deceased continuously by using deadly weapons during car moving condition and the respondent and other accused persons thrown away the deceased on the road. It is also witnessed by the persons, who were present there. Further, on verification, without any support the deceased's wife is running her life with her six month old baby in the streets and she is also a poor lady.

3.The learned Government Advocate (Crl. Side) appearing for the petitioner submitted that the respondent was granted statutory bail by the Judicial Magistrate No.I, Kovilpatti and one of the condition is that the respondent was directed to appear and sign before the Judicial magistrate Court, Srivaikundam, daily at 05.00 p.m until further orders, due to which, the respondent is now staying in Thoothukudi District, which is causing fear to the witnesses. Hence, he prayed for modification of the said condition.

4.On perusal of the materials available on records, it is seen that the murder is a gruesome murder and investigation has been completed and charge sheet yet to be filed before the lower Court.

5.Considering the nature of the offence and also considering the fact that the defacto complainant is a widow and the witnesses on fearing, this Court is inclined to modify the condition. Accordingly, the condition stands modified to the effect that the respondent shall stay at Pollachi and report before the Inspector of Police, Pollachi Town Police Station daily at 10.30 a.m until further orders, except on the date of hearing before the trial Court or any other Court. The other conditions stand unaltered.

6.This Criminal Original Petition is ordered accordingly.

sd/-
01/04/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 JUDICIAL MAGISTRATE NO.I, KOVILPATTI.

2 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM,

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

4 THE INSPECTOR OF POLICE,
CRIME BRANCH,
CRIME INVESTIGATION DIVISION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

5 THE INSPECTOR OF POLICE,
POLLACHI TOWN POLICE STATION, POLLACHI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5095 of 2021

Date :01/04/2021

VSG

JM/VR/SAR II/22.04.2021/3P/7C