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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.2776 of 2022

1.Prasanth
2.Sasikala

... Petitioners

-Vs-

The State,
Represented by the Inspector of Police,
Vellode Police Station,
Erode.
(Crime No.242 of 2021).

..Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to set aside conditions (iv) and (v) imposed on the petitioners vide order dated 23.12.2021 passed by the Principal District and Sessions Judge, Erode in Cr.M.P.No.2490 of 2021.

For Petitioners : Mr.K.Sharath Chandran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This petition has been filed to set aside conditions (iv) and (v) imposed on the petitioners by an order dated 23.12.2021 passed by the Principal District and Sessions Judge, Erode in Cr.M.P.No.2490 of 2021.

2.The learned counsel for the petitioner would submit that on the complaint given by the sister of the 1st petitioner, the respondent had registered a case in Crime No.242 of 2021 for the offence under Sections 294(b), 323, 341, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The petitioners had applied for anticipatory bail and the



learned Principal District and Sessions Judge, Erode, in CrI.M.P.No.2490 of 2021 dated 23.12.2021, had granted anticipatory bail to the petitioners imposing conditions that,

(i) the petitioners shall not enter into Erode Taluk and that they shall stay at Sathyamangalam town and they shall not leave Sathyamangalam Town, until further orders and the petitioners shall report before the Inspector of Police, Sathyamangalam Police Station twice a day at 10.00 am and 5.00 pm, until further orders.

3. The learned counsel would further submit that the dispute between brother and sister has been blown out of proportion and thereby the learned Principal District and Sessions Judge, Erode had imposed onerous condition as if the petitioners are criminals. The 2nd petitioner is the mother-in-law of the 1st petitioner and they are now staying at Sathyamangalam for more than 40 days. He further submits that the petitioners have filed an application in Cr.M.P.No.200 of 2022 for modification of conditions. The learned Principal District and Sessions Judge, Erode, by an order dated 19.01.2022, while modifying the conditions ordered the petitioners to appear before the Sathyamangalam Police Station every Monday at 10.00 a.m., until further orders and not modified the other conditions.

4. The learned counsel would submit that the family of the petitioners are living at Erode and they are unable to see their family members for the past 45 days. He would submit that the petitioners undertake that they will take steps to maintain cordiality and also to appear before the respondent police.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that since the 1st petitioner and the defacto complaint though siblings are neighbours, the learned Principal District and Sessions Judge imposed such conditions to avoid any untoward incident.

6. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

7. Taking into consideration that it is only family dispute this Court is inclined to set aside the order and modify the conditions that the petitioner shall appear before the respondent Police every Monday at 10.30 am for a period of four weeks and thereafter as and when required.



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8. Accordingly, the Criminal Original Petition is ordered.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jas/vkr

To

1. The Principal District and Sessions Judge,
Erode.
2. The Inspector of Police,
Vellode Police Station,
Erode.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Govind Chandrasekhar, Advocate, S.R.No.8236

Cr1.O.P.No.2776 of 2022

RK(CO)
SU(17/02/2022)