



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HONOURABLE MR. JUSTICE Dr.G.JAYACHANDRAN

Crl.O.P.No.5509 of 2022

Sampath Kumar

... Petitioner

Vs.

State,
Represented by the Superintendent,
CGST & Central Excise,
No.6/7, ATD Street,
Race Course Road, Coimbatore - 641 041.
Crime No.IV/06/128/2018-HPU

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C. to set aside the order passed in Crl.MP.No.521/2020 dated 10.02.2022 and relax the bail condition No.IV, "the petitioner is directed to sign before the respondent police, daily at 10.00 a.m until further orders, passed by the learned Principal District and Sessions Judge, Coimbatore.

For Petitioner: Mr.V.Vijayakumar

For Respondent: Mr.N.P.Kumar,
Special Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to relax the condition No.IV imposed by the learned Principal District and Sessions Judge, Coimbatore, in Crl.M.P.No.521 of 2020 dated 10.02.2022.

2. The learned counsel for the petitioner submitted that while granting bail to the petitioner, the trial Court imposed a condition No.IV, that "the petitioner is directed to sign before the respondent police, daily at 10.00 a.m until further orders". Hence, the modification petition has been filed by the petitioner.



3. The learned Special Public Prosecutor submits that the condition imposed on the petitioner that he should report before the respondent police to sign daily at 10.00 a.m is complied with till date.

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4. Taking note of the fact, that the petitioner filed an application before the Trial Court for modification of the condition. The Trial Court has dismissed the application, on the ground that the bail condition was taken up on appeal to Supreme Court and in Special Leave Petition. The Supreme Court has modified the bail condition imposed by the Trial Court. Therefore, the condition imposed by the Trial Court was merged with the order of the Supreme Court. Therefore any modification to the condition shall be made only by the Supreme Court.

5. Aggrieved against the said order, the present petition has been filed to set aside the order and modify the bail condition for reporting before the respondent police daily at 10.00 a.m. until further orders.

6. This Court on perusing the order passed by the Trial Court, High Court and the Supreme Court regarding the grant of bail on condition that the Supreme Court has interfered the condition Nos.1 and 2 i.e., to deposit of Rs.1 crore and the other conditions shall remain intact.

7. Therefore, the condition imposed on the petitioner to report before the respondent police daily can be modified or altered by the Trial Court itself. However, the Trial Court has dismissed the application. This Court, on considering the representation of the petitioner and continuous compliance of the condition without fail the aforesaid condition is modified to the effect that the petitioner shall report before the respondent police twice in a month i.e., 1st and 15th of every month, until further orders.

8. With the above modification, this Criminal Original Petition is ordered.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

drl/vv



To

1. The Principal District and Sessions Judge,
Coimbatore.
2. The Superintendent,
CGST & Central Excise,
No.6/7, ATD Street,
Race Course Road, Coimbatore - 641 041.
3. The Special Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.5509 of 2022

SKM(CO)
GMY (30/03/2022)