



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.23957 of 2021

1.Palanisamy

2.Mani

.. Petitioners/Accused

Versus

1. Deputy Superintendent of Police,
Erode Road, Mahadhavapuram,
Tiruchengode, Namakkal District.

2. State of Tamil Nadu, Rep. by
The Inspector of Police,
Molasi Police Station,
Namakkal District.

3. Kumar

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 r/w 439(b) of Cr.P.C. praying to modify the following conditions
b) the petitioners/accused herein are strictly warned not to enter into the land i.e., within the boundary stone put by the RDO until the disposal of the suit in O.S.88/2019.

c) the defacto complainant is having liberty to file cancellation of bail petition, if the petitioners enter into the land situated within the boundary stone put by the RDO until the disposal of the suit in O.S.88/2019, passed in CMP.No.09 of 2021 by order dated 11.01.2021 on the file of the Sessions Judge, Special Court for SC/ST (POA) Act, Namakkal.

For Petitioners : Mr.T.L.Thirumalaisamy

For Respondents

For R1 & R2 : Mr.V.J.Priyadarsana
Government Advocate (Crl.Side)

For R3 : Mr.S.Vijayakumar



O R D E R

This petition has been filed for modification of the conditions imposed by the learned Sessions Judge, Special Court for SC/ST (POA) Act, Namakkal in C.M.P.No.09 of 2021 dated 11.01.2021.

2. The learned counsel for the petitioners would submit that the petitioner are not in position and enjoyment of the subject property. However, while granting the Anticipatory Bail, the Court below ordered not to enter into the subject property. Thereafter, statutory bail was granted by the said Court. Unfortunately, the learned trial Judge had imposed the following conditions:

"(a) the petitioners should appear and sign before the Judicial Magistrate No.1 Madurai daily at 10.00 A.M. For about one month. They are directed to appear before the Judicial Magistrate No.1, Madurai by wearing mask, sanitizing their hands and keeping social distance.

(b) the petitioner/accused herein are strictly warned not to enter into the land i.e., within the boundary stone put up by the RDO until the disposal of the suit in O.S.No.88/2019.

(c) the defacto complainant is having liberty to file cancellation of bail petition, if the petitioners enter into the land situated within the boundary stone put up by the RDO until the disposal of the suit in O.S.No.88/2019.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial,

(e) the petitioners shall not abscond either during investigation or trial

(f) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs.State of Kerala [(2005) AIR SCW 5560]

(g) If the accused thereafter abscond, a fresh FIR can be registered under section 229-A IPC."



3. Further, submitted that now the entire investigation is completed and a final report is also filed in S.C.No.40 of 2021 on the file of the Sessions Judge, Special Court for SC/ST (POA) Act, Namakkal. Therefore, he sought for modification of the conditions (b) and (c) imposed by the Sessions Judge, Special Court for SC/ST (POA) Act, Namakkal.

4. In view of the same, this Court is inclined to modify the condition (b) and (c) imposed in the order dated 11.01.2021 passed in C.M.P.No.09/2021 by the Court of the Sessions Judge, Special Court for SC/ST (POA) Act, Namakkal. Accordingly, the conditions (b) and (c) alone stands deleted and other conditions remain intact.

5. This Criminal Original Petition is ordered accordingly.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cda/dhk

To

1. The Sessions Judge,
Special Court for SC/ST (POA) Act,
Namakkal.
2. The Deputy Superintendent of Police,
Erode Road, Mahadhavapuram,
Tiruchengode, Namakkal District.
3. The Inspector of Police,
Molasi Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.T.L.Thirumalaisamy, Advocate, S.R.No.33787

CrI.O.P. No.23957 of 2021

GPL(CO)
UMA(30/06/2022)