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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.OP.NO.10849 OF 2022

Major Ramasamy alias Ramasamy,
S/o.Karuppanna,
Aashiyana West Street,
Anaimalai, Pollachi,
Coimbatore - 642 104.

... Petitioner

.Vs.

1. The Deputy Superintendent of Police,
Pollachi,
Coimbatore District.

2. The State
Rep. by Inspector of Police,
Anaimalai Police Station,
Coimbatore District.
(In Crime No.29 of 2022)

3. Hariharasuthakar,
S/o.Kumar,
112, Makkal Sakthi Nagar,
Anaimalai,
Coimbatore District.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to set aside the condition imposed by the Principal
District and Sessions Judge, Coimbatore to appear daily before
the respondent police daily 10.00 a.m. until further orders in
C.M.P.No.2063 of 2022.

For Petitioner : Mr.G.R.Deepak

For Respondents : Mr.R.Murthi
Government Advocate
(Criminal Side)



O R D E R

This Criminal Original Petition has been filed seeking to set aside the condition imposed by the learned Principal District and Sessions Judge, Coimbatore on 28.04.2022 in C.M.P.No.2063 of 2022.

2. According to the petitioner, he was ordered to be released on bail by the learned Principal District and Sessions Judge, Coimbatore in C.M.P.No.1477 of 2022 on 04.04.2022 by imposing a condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. and 5.00 p.m. until further orders. The petitioner had complied with the said conditions for the past 23 days and he filed C.M.P.No.2063 of 2022 before the learned Principal District and Sessions Judge, Coimbatore for relaxing the said condition. By an order dated 28.04.2022, the learned Principal District and Sessions Judge, Coimbatore relaxed the said condition to appear before the respondent police daily at 10.00 a.m. until further orders. Now, the petitioner has filed the present petition seeking to set aside the said condition.

3. The learned counsel for the petitioner submitted that the petitioner is 72 years old and having aging related issues and he finds very difficulty to appear before the respondent police every day.

4. Mr.R.Murthi, learned Government Advocate (Crl.Side) would submit that the investigation is pending and the charge sheet is yet to be filed.

5. Admittedly, the petitioner has been involved in the offences under Sections 143, 342, 323, 324 and 506(i) of IPC subsequently, altered into Sections 109, 147, 148, 342, 323, 324 and 506(ii) of IPC read with Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. Considering the serious nature of the offences involved by the petitioner, the learned Sessions Judge had passed a stringent condition to appear before the respondent police daily at 10.00 a.m. At this stage, if the condition is relaxed for the petitioner there is a possibility of tampering the witnesses and investigation.

6. Taking into consideration the facts and circumstances of the present case, considering the serious nature of the offences involved by the petitioner and considering the discretionary powers of the learned Sessions Judge in imposing the bail conditions, this Court does not find any arbitrariness and reasons to modify the condition imposed by the learned Sessions Judge, Coimbatore.



7. Accordingly, this Criminal Original Petition is dismissed.

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Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

mk/ms

To

1. The Principal District and Sessions Judge,
Coimbatore.
2. The Deputy Superintendent of Police,
Pollachi, Coimbatore District.
3. The Inspector of Police,
Anaimalai Police Station,
Coimbatore District.
4. The Public Prosecutor,
High Court, Madras.

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EV(CO)
PBS/16/05/2022