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Crl.O.P.No.15808 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 15808 of 2022

Mohamed Yakat Ali

...Petitioner

-Vs-

State Rep. by
Station House Officer,
All Women Police Station,
Through Public Prosecutor
Puducherry
(Crime No.4 of 2022)

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the docket return order passed on 27.06.2022 in Crl.M.P.No.109 of 2022 on the file of the Principal Sessions Judge at Puducherry and consequently relax the condition “the petitioners shall appear and sign before respondent police Station, daily at 10.00 a.m. until further orders” imposed in Crl.M.P.No.109 of 2022 on the file of the Principal Sessions Judge at Puducherry in order dated 26.05.2022.

For Petitioner : Mr.Prakash Adiapadam
For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondicherry)



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ORDER

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The petitioner is an accused in Crime No. 4 of 2022 on the file of the respondent registered for the offences under Sections 498-A, 294(b) of IPC r/w 34 of IPC. In pursuant to the registration of FIR, the petitioner filed a petition for anticipatory bail in Crl.M.P.No.109 of 2022 before the Principal Sessions Judge, Puducherry. They were granted anticipatory bail, by an order dated 26.05.2022, on condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioner was duly complying with the condition and also filed a petition for relaxation before the Court below. However, the Court below returned the petition filed for relaxation, for the reason that the petitioner/accused has to comply the condition for a minimum period of 30 days.

2. The learned counsel for the petitioner would submit that there is a standing order passed by the Principal Sessions Judge, Puducherry to the Registry is not to entertain the petition for relaxation before 30 days.

3. The learned Public Prosecutor (Puducherry) would submit that



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the petitioner is regularly complying the condition as imposed by the Court below.

4. It is seen that there is no prohibition under the Criminal Procedure Code to entertain the relaxation petition before 30 days from the date of complying the condition. When the Court, while granting bail or anticipatory bail can impose conditions, at the same time, the accused has right to file a petition for relaxation. If the accused complied the earlier conditions, it is the discretionary power of the Court to relax the condition. Whereas, there is no ban or prohibition mere filing of petition before 30 days of their compliance. Therefore, the learned Principal Sessions Judge, Puducherry is directed to entertain the petition for relaxation, filed even before 30 days from the date of the compliance of the conditions and pass order on merits and in accordance with law.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsels, the order passed by



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the Court below in Crl.M.P.No. 109 of 2022 dated 26.05.2022 is hereby set aside and the condition imposed as against the petitioner is also relaxed. However, the petitioner is directed to appear before the respondent police as and when required for interrogation.

07.07.2022

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

Note : Issue order copy on 14.07.2022

To
1. The Principal Sessions Judge,
Puducherry.

2. Station House Officer,
All Women Police Station,



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3.The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN. J,

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