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Crl.O.P.No.29869 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.29869 of 2022

D.Ilanchezhiyan

... Petitioner

Vs.

State rep by the Inspector of Police,
All Women Police Station,
Villupuram.
(Crime No.90 of 2022)

..Respondent

Prayer: This Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. praying to modify the condition imposed in Crl.M.P.No.8422 of 2022 para no.4(4) “ a condition that the person shall not leave India without the previous permission of this Court” on the file of the learned Fast Track Mahila Court, Villupuram District by its order dated 28.10.2022.

For Petitioner : Mr.C.Iyyapparaj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to modify the condition imposed in Crl.M.P.No.8422 of 2022 in Crime No.90 of 2022 dated 28.10.2022 on the file of learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram.

2. The case of the prosecution is that due to matrimonial dispute, the petitioner used obscene words and assaulted the defacto complainant in front of the public and also threatened her with dire consequences. Hence, the respondent police registered a case in Crime No.90 of 2022 for the offences punishable under Sections 498(A), 294(b), 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 as against the petitioner.

3. While granting anticipatory bail to the petitioner, by an order dated 28.10.2022 in Crl.M.P.No.8422 of 2022, the Court below imposed the following conditions:-

“4. As a result, petitioners shall surrender before the Judicial Magistrate, Additional Mahila Court, Villupuram within 10 days from the date of order. On surrender, the



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petitioners shall be released on bail on the execution of bond for Rs.20,000/- with two sureties for the like sum each, to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Villupuram and shall appear before the respondent police on every Monday and Thursday at 10.00 am and affix their signature until further orders. (1) shall not threaten the victim/defacto complainant/witness (2) shall not tamper the evidence (3) a condition that the person shall make themselves available for interrogation by a police officer as and when required (4) a condition that the person shall not leave India without the previous permission of this Court.”

4. The learned counsel appearing for the petitioner would submit that the Court below while granting anticipatory bail to the petitioner, had imposed specific condition that the petitioner shall not leave India without the previous permission of the Court below. The petitioner is regularly appearing before the respondent from 03.11.2022 to till date without fail. The VISA of the petitioner will get expire on 13.01.2023 and the petitioner needs to fly to Mexico for the purpose of extending his VISA and that the petitioner undertakes before this Court that he will return to India in the month of April. Hence, he prays to modify the condition imposed on the petitioner.



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5. The learned Additional Public Prosecutor would submit that if the condition imposed by the Court below is modified, there is every possibility of the petitioner to be absconded. Therefore, he sought for dismissal of this petition seeking modification.

6. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the respondent police.

7. It is seen that the Court below imposed the condition that the petitioner shall not leave India without previous permission of the Court. Considering the above facts and circumstances, and also considering the order passed by the Court below, this Court is inclined to *modify* the above said condition.

8. Accordingly, the condition imposed on the petitioner in Crl.M.P.No.8422 of 2022 dated 28.10.2022, i.e., the petitioner shall not leave India without the previous permission of the Court, is hereby *modified as follows* :- **“the petitioner shall fly to Mexico for the purpose of extending his VISA and he shall report before the respondent police on or before 31.03.2023”**. The other conditions shall remain intact.



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9. Accordingly, this Criminal Original Petition is ordered.

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Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

shk

To

1. The learned Sessions Judge,
Magalir Neethi Mandram, (Fast Track Mahila Court),
Villupuram
2. The learned Judicial Magistrate, Additional Mahila Court,
Villupuram.
3. The Inspector of Police,
All Women Police Station,
Villupuram.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J

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