



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27.01.2022

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL OP(MD). No.1356 of 2022

WEB COPY

1.Periyasamy
2.Vinothkannan

... Petitioners/Accused No.2 & 4

Vs.

State through,
The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
In Crime No.100 of 2021

... Respondent/Complainant

PRAYER :- This Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the order passed in Crl.M.P.No.4921 of 2021 dated 20.12.2021 on the file of the Principal District and Sessions Judge, Sivagangai and to relax the condition imposed on it.

For Petitioner : Mr.P.Aju Tagore
Advocate.

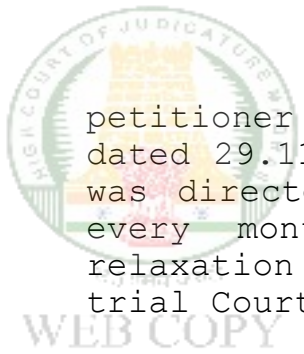
For Respondent : Mr.S.Manikandan
Government Advocate (Crl.Side)

ORDER

This petition has been filed to set aside the order passed in Crl.M.P.No.4921 of 2021 dated 20.12.2021 on the file of the Principal District and Sessions Judge, Sivagangai.

2.On the side of the petitioners, it is stated that the petitioner is complying the condition regularly and the petitioner has filed a set aside petition in Crl.M.P.No.4921 of 2021 and the same was dismissed by the Principal District and Sessions Judge, Sivagangai. The petitioner has filed this petition for relaxation of the condition and for setting aside the impugned order.

3.On the side of the petitioners, it is further stated that the petitioner was released on bail in Crl.M.P.No.2872 of 2021 dated 06.09.2021 on condition that the petitioner to appear and sign before the respondent Police Station daily twice at 09.30 a.m., and 07.00 p.m., for a period of fifteen days and the condition was modified by an order of this Court in Crl.M.P.No.3300 of 2021 dated 27.09.2021, wherein the petitioner has to appear before the respondent on the 1st and 16th day of every month at 10.00 a.m. The



petitioner has filed the third petition in Crl.M.P.No.4523 of 2021 dated 29.11.2021 and the condition was modified that the petitioner was directed to appear before the respondent Police on 1st day of every month. The petitioner filed this fourth petition for relaxation of the condition and that petition was dismissed by the trial Court.

4.On the side of the petitioners, it is stated that the first petitioner is a senior citizen. The condition imposed upon the petitioner is onerous in the pandemic situation and prayed the condition to be relaxed.

5.On the side of the respondent, it is stated that the petitioner failed to appear on the first day of January 2022. It is fairly admitted that the petitioner is complying the condition until then and prayed the petition to be dismissed.

6.It is seen that the petitioner was complying the condition regularly. The petitioner has filed 4th petition for relaxation and the same was dismissed by the trial Court. The only reason assigned by the trial Court is that the investigation is pending. Three months was already over from the date of bail order and the investigation ought to have been completed by this time.

7.In the above circumstances, this Criminal Original Petition is allowed and the petitioner is directed to appear before the trial Court on every hearing dates.

Sd/-

Assistant Registrar (A.D.I)

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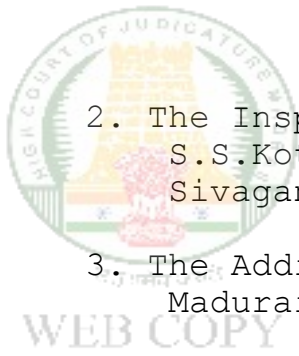
Sub Assistant Registrar(CS)

MRN

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal District and Sessions Judge, Sivagangai.



2. The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.1356 of 2022
Date : 27.01.2022

RD/CK(07.02.2022) 3P 4C