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Crl.M.P.No.2325 of 2023
in Crl.A.No.561 of 2021

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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

(Order of the Court was made by M.NIRMAL KUMAR.J.,)

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 22.02.2023, which reads as follows:

'Captioned Criminal Miscellaneous Petition has been filed with relaxation prayer qua conditions (iii) and (vi) of an order dated 27.07.2022 in Crl.M.P.No.5500 of 2022 in Crl.A.No.561 of 2021. Condition No.(iii) is to appear before trial Court on every Monday and condition No.(vi) is to stay in Erode.

2. Mr.F.Wellington, learned counsel on record for the petitioner submits that both the aforementioned conditions have been diligently complied with and seeks relaxation stating (at the bar) that the avocation of the petitioner is in peril as he lives in Salem.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepts notice on behalf of first respondent requests for time to get instructions and revert to this Court. Request acceded to.

4. List on Thursday i.e., on 23.02.2023.'



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2. The petitioner's contention is that the petitioner after grant of bail, due to the condition imposed, he has been compelled to stay in Erode and further he has been appearing before the trial Court every Monday. The petitioner runs a grocery shop in his native in Salem and since he is compelled to stay in Erode, he is unable to carry on his business and make any earnings, unable to sustain himself and his family put to untold sufferings

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor submits that petitioner has been regularly complying with the condition.

4. In view of the same, this Court modifies Condition No.3 directing the petitioner to appear before the trial Court on first working day of every month. As regards Condition No.6, the same is totally relaxed. In all other respects, earlier order of this Court dated 27.07.2022 shall remain intact.

This Criminal Miscellaneous Petition is ordered on above terms.

[M.S.J.] [M.N.K.J.,]
23.02.2023

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