



*Crl.M.P.No.3644 of 2023
in Crl.A. No.1232 of 2022*

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

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

Captioned 'Criminal Miscellaneous Petition' ('Crl.M.P' for the sake of convenience and clarity) has been filed with a relaxation prayer. To be noted, the relief sought is qua the order dated 23.12.2022 made by Honourable Predecessor Bench in Crl.A.No.1232 of 2022. Bail was granted on five conditions by Honourable Predecessor Bench and these conditions have been adumbrated in paragraph 18 of the said order and the same reads as follows:

18. The upshot of the above discussion is that, the orders passed by learned Magistrate in Crl.M.P.No.4096 of 2022 and in Crl.M.P.No.4098 of 2022 dated 16.11.2022, are hereby set aside and as a sequel, this Criminal Appeal stands allowed and the appellant is granted statutory bail, subject to the following conditions:

(i) The appellant shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be one of his parents, each



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*for a like sum, to the satisfaction of the
Principal District and Sessions Judge, Vellore ;*

*(ii)The sureties shall affix their photographs
and Left Thumb Impression in the surety bond
and the Sessions Judge may obtain a copy of
their Aadhaar card or Bank pass book and
mobile number to ensure their identity; and*

*(iii)The petitioner shall appear before the
respondent Police daily at 10.30 a.m., until
further orders.*

*(iv)If the petitioner adopts any dilatory tactics,
it is open to the Sessions Judge to cancel the
bail and remand the petitioner to custody as
laid down by the Supreme Court in State of
U.P. Vs. Shambhu Nath Singh [JT 2001 (4) SC
319].*

*(v)Though bail has been granted by this Court,
as held by the Supreme Court in P.K.Shaji Vs.
State of Kerala [(2005) AIR SCW 5560], the
Sessions Judge can cancel the bail, if situation
warrants. If the petitioner who is on bail
absconds, a fresh FIR shall be registered
against him under Section 229-A IPC.*

The condition now sought to be relaxed is condition No.(iii).



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2. Mr.J.Ravikumar, learned counsel for petitioner, who is before us, submits that the petitioner/appellant is a student pursuing his education in college and he has also been complying with the conditions diligently.

3. Mr.E.Raj Thilak, learned State Additional Public Prosecutor who accepts notice on behalf of lone respondent submits that the petitioner has complied with the conditions, more particularly he has complied with aforementioned condition No.(iii) from 03.01.2023 to 12.03.2023.

4. Considering the facts and circumstances of the case and taking into account the undisputed position that the petitioner has complied with the conditions, we deem it appropriate to relax condition No.(iii) alone and say that instead of appearing before the respondent police daily at 10.30 a.m. The petitioner will now appear before the Crime Branch Crime Investigation Department, Chennai every Saturday at 10.30 a.m. To be noted, we are informed that the investigation has been transferred from the respondent to Crime



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Branch Crime Investigation Department, Chennai on 11.01.2023 and therefore the aforementioned condition.

5. Though obvious we make it clear that the other conditions will continue to operate.

6. Captioned Crl.M.P. is disposed of in the aforesaid manner.

**[M.S.J.,] [M.N.K.J.,]
14.03.2023**

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