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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4439 of 2023

Mujeep Bhasha (50 Y)
S/o.Anvar Basha

.. Petitioner

.Vs.

State rep.by
The Inspector of Police
All Women Police Station
Ammamet, Salem.
(Cr.No.63 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to aside the condition imposed by an order dated 07.01.2022 passed in CMP.No.95 of 2022 on the file of the Principal Sessions Judge, Salem, the petitioner shall deposit the passport before the respondent and produce the receipt before the learned Judicial Magistrate, Additional Mahila Court, Salem while producing the sureties consequently directing the respondents to return the passport of the petitioner within a stipulated period of time.

For Petitioner : Mr.R.Ezhilarasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed challenging one of the condition imposed by the Court below in CMP.No.95 of 2022 dated 7.1.2022 while enlarging the petitioner on bail.



2.Heard Mr.R.Ezhilarasan, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl.side) for the respondent.

3.The petitioner is aggrieved by the following condition imposed by the Court below:

4.that the petitioner shall deposit the Passport before the respondent police and produce the receipt before the learned Judicial Magistrate, Additional Mahila Court, Salem while producing sureties;

4.The learned Government Advocate (Crl.side) on instructions submitted that the investigation was completed and final report was filed before the Court below and the same was taken on file in C.C.No.377 of 2022. The learned Government Advocate (Crl.side) further submitted that the case is now at the stage of trial and LW.1 was examined on 01.9.2023 and the case stands posted for hearing on 9.10.2023.

5.In the light of the above development, it will suffice if a direction is given to the Court below to complete the proceedings within a time frame. It will also be appropriate to direct the respondent to deposit the Passport that has been collected from the petitioner before the Court below.



6. In the result, this criminal original petition is disposed of with a direction to the respondent to deposit the Passport that was handed over by the petitioner before the learned Judicial Magistrate, Additional Mahila Court, Salem, within a period of two weeks from the date of receipt of copy of the order. The Court below shall also dispose of C.C.No.377 of 2022, within a period of three months from the date of receipt of copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in **Vinod Kumar .Vs. State of Punjab [2015 (1) MLJ (Crl) 288 SC]**. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in **STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)**.

12.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

To

1. The Inspector of Police
All Women Police Station
Ammamet, Salem.
2. Judicial Magistrate
Additional Mahila Court, Salem.
3. The Public Prosecutor
High Court, Madras.



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N. ANAND VENKATESH,, J.
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