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Crl.O.P.Nos.7333 and 7353 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.7333 and 7353 of 2023

Crl.O.P.No.7333 of 2023

V.Mohan Raj

...

Petitioner

VS

The State represented by
The Inspector of Police,
Job Racketing Wing, Team-28,
Central Crime Branch,
Egmore, Chennai.

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to set aside the order in Crl.M.P. 5654 of 2023 dated 17.02.2023 and modify the condition imposed on the petitioner by the learned Metropolitan Magistrate for CCB and CBCID Cases at Egmore in Crl.M.P. 18222 of 2022 vide order dated 04.06.2022 directing the petitioner to appear before the respondent police daily at 10.00 a.m until further orders, while granting bail to the petitioner.

For Petitioner

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Mr.R.Rafi Babu

For Respondent

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Mr.S.Santhosh
Government Advocate (crl.side)



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The State represented by
The Inspector of Police,
Job Racketing Wing, Team-28,
Central Crime Branch,
Vepery, Chennai.

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to set aside the order in Crl.M.P. 5655 of 2023 dated 17.02.2023 and modify the condition imposed on the petitioner by the learned Metropolitan Magistrate for CCB and CBCID Cases at Egmore, Chennai in Crl.M.P. 15077 of 2022 vide order dated 10.06.2022 directing the petitioner to appear and sign before the respondent police daily at 10.00 a.m for a period of 30 days, while granting bail to the petitioner.

For Petitioner

...

Mr.R.Rafi Babu

For Respondent

...

Mr.S.Santhosh

Government Advocate (crl.side)

COMMON ORDER

These Criminal Original Petitions have been filed to set aside the order in Crl.M.P.No.5654 of 2023 and Crl.M.P. 5655 of 2023 dated 17.02.2023 and modify the condition imposed on the petitioner by the



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learned Metropolitan Magistrate for CCB and CBCID Cases at Egmore in

Crl.M.P. 18222 of 2022 and Crl.M.P. 15077 of 2022.

2. It is the submission of learned counsel for the petitioner that, petitioner was given bail in Crl.M.P.No.18222 of 2022 in CCB.Cr.No.83 of 2022 on 04.07.2022 and was granted bail in Crl.M.P.No.15077 of 2022 in CCB.Cr.No.246 of 2021 on 10.06.2022. Petitioner was released from the prison only on 16.12.2022, for the reason that, he was detained under Goondas. After his release, he visited respondent police for complying with the condition. But, respondent police did not permit him to comply with the condition. Therefore, petitioner filed Crl.M.P.No.5654 of 2023 in Crl.M.P.No.18222 of 2022 and in Crl.M.P.No.5655 of 2023 in Crl.M.P.No.15077 of 2022 for relaxation of the condition. Both petitions were dismissed. Challenging the dismissal order, these petitions are filed.

3. Petitioner is now prepared to abide by the conditions of the Court. He requests that the condition that he has to sign before the concerned Court may be modified.



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4. In reply, learned Government Advocate (Criminal side) submitted that petitioner has not complied with the conditions, even for a single time. Therefore, he prays for dismissal of these petitions.

5. Considered the rival submissions and perused the records.

6. The Order of the learned Metropolitan Magistrate in both the cases reads that petitioner had not complied with the conditions even for one day. Though he was released from the prison on 16.12.2022, after serving his terms under the goondaas Act, he has not chosen to comply with the conditions. His claim that, when he visited respondent police station for complying the condition, respondent police did not permit him to comply the condition is not supported by any material evidence, like giving information on this aspect to the concerned Court. Therefore, this Court finds that there is no merit in the prayer for seeking modification of the conditions.



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7. Accordingly, this Criminal Original Petition is dismissed.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order
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To

- 1.The Metropolitan Magistrate for CCB and CBCID Cases,
Egmore.
- 2.The Inspector of Police,
Job Racketing Wing, Team-28,
Central Crime Branch,
Egmore, Chennai.
- 3.The Inspector of Police,
Job Racketing Wing, Team-28,
Central Crime Branch,
Vepery, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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