



**Crl.M.P. No.5338 of 2023
in Crl. A. No.597 of 2022**

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**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

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

Captioned 'Criminal Miscellaneous Petition' (hereinafter 'Crl.M.P.' for the sake of convenience and clarity) has been filed with a prayer for relaxation of a condition qua bail that was granted by this Court.

2. Bail was originally granted by this Court in an appeal (filed against rejection of bail by the Trial Court) in and by an order dated 26.08.2022 in Crl. A. No.597 of 2022.

3. The conditions for bail imposed by the Honourable Predecessor Bench are captured in paragraph 29 and the same reads as follows:

29. In view of the above, the Criminal Appeal is allowed and the order dated 12.5.2022 in Crl.M.P.No.2394 of 2022 passed by the Vacation & Sessions Judge, Coimbatore is set aside and the appellant is ordered to be released on bail in Crime No.85 of 2022.

(a) on executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a likesum to the satisfaction of Judicial Magistrate V,



Coimbatore;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judicial Magistrate V, Coimbatore may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the appellant shall report before the respondent on every Monday and Thursday at 10.30 a.m. until further orders.

(d) the appellant shall not leave the State of Tamil Nadu without intimating the respondent police.

(e) the appellant shall not commit any offences.

(f) the appellant shall not abscond during investigation.

(g) the appellant shall not tamper with evidence or witness.

(h) the appellant shall furnish the Mobile Number, which shall not be changed till the issue comes to a logical end. However, he is permitted to change the portability.

(i) the appellant shall surrender his passport, if any, to the Trial Court. For the purpose of renewal, the original can be taken by making an application and the renewed one shall be surrendered within a week of receipt of the same;

(j) the appellant shall not travel abroad without the permission of the Court. In case he wants to go abroad, while seeking permission, he shall furnish the address and place, where he is going to stay together with mobile number and email and if he stays in hotel, the details of the accommodation and the period of stay, mode of travel alongwith the complete itinerary shall be furnished to the Trial Court as well as Police.

(k) on breach of any of the aforesaid conditions, the learned Judicial Magistrate V, Coimbatore is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and



*the appellant released on bail by the learned Judicial Magistrate V, Coimbatore himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];*

(I) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

4. Thereafter, one relaxation petition in Crl. M.P. No.16508 of 2022 was moved and partial relaxation was granted in and by an order dated 03.11.2022 which reads as follows:

'The petitioner was granted suspension of sentence and bail in Crl.A.No.597 of 2022 on 26.08.2022, on various conditions, one of which is as under :

"29.

(c) The appellant shall report before the respondent on every Monday and Thursday at 10.30 a.m. until further orders."
Seeking relaxation of the aforesaid condition, this petition has been filed.

2. Heard Mr.S.M.Jinnah, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the 1st respondent and Mr.R.Karthikeyan, learned Special Public Prosecutor appearing for the 2nd respondent.

3. Both sides represented that, earlier the FIR was registered by the Inspector of Police, Selvapuram Police Station, Coimbatore, and later it has been transferred to the SIT, CB-CID, Coimbatore on 07.10.2022.

4. The learned Additional Public Prosecutor submitted that the petitioner has been reporting before the Inspector of Police, Selvapuram Police Station, regularly so far.

5. Since the investigation has now been transferred from the file of the Inspector of Police, Selvapuram Police Station, Coimbatore



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to the file of the SIT, CB-CID, Coimbatore, we are of the opinion that complete relaxation cannot be granted and instead, the petitioner shall report before the SIT, CB-CID, Coimbatore, on every Monday at 10.30 a.m. until further orders.

This petition is ordered with the above modification.'

5. The second relaxation petition was moved vide CrI.M.P. No.19793 of 2022 and the same was ordered by an order dated 04.01.2023, which reads as follows:

'Earlier by order dated 03.11.2022 in CrI MP No.16508 of 2022, this Court had relaxed the condition of bail by directing the petitioner / accused to report before the SIT, CBCID Coimbatore on every Monday at 10.30 am. This petition has been filed for relaxing the aforesaid condition on the ground that the petitioner has been complied with it.

2. The learned Additional Public Prosecutor submitted that the petitioner has been complying with the aforesaid condition from 01.09.2022 but contended that investigation is still under progress and therefore, complete relaxation may not be granted.

3. Taking into consideration the facts and circumstances of the case, the aforesaid condition is relaxed to the effect that, the petitioner shall report before the SIT, CBCID Coimbatore on the first working day of every month at 10.30 am until further orders.'

6. The aforesaid proceedings are tell-tale qua the conditions and the trajectory the matter has taken.



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7. Today, we are informed without any disputation or contestation that all the conditions that have been imposed have been complied with by the appellant/petitioner.

8. Therefore, prayer in the captioned Crl.M.P. for relaxation is acceded to. In other words, the condition that the appellant should report before the SIT, CBCID, Coimbatore on the first working day of every month at 10.30 a.m. is relaxed partially and it will suffice if the appellant/petitioner reports before the said authority on the first working day once in every three months i.e., once in a quarter. To be noted, the other conditions which have not been relaxed will continue to operate.

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

mmi

[M.S.J.,] [R.S.V.J.,]
15.06.2023



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**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

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