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CRL.O.P.Nos.14168 & 14184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

CRL.O.P.Nos.14168 & 14184 of 2023

Solaibawa

... Petitioner in both Crl.O.P's

Vs.

The State Rep by,
The Inspector of Police,
K-2, Ayanavaram Police Station,
Kilpauk,
Chennai District.
Crime No.406 of 2022

... Respondent in both Crl.O.P's

Prayer :- Criminal Original Petition filed under Section 439(1)(b) Cr.P.C. praying to modify the condition imposed on the petitioner ie., (b) the petitioner shall appear before the Respondent Police daily at 10.00.a.m., until further orders in Crl.M.P.Nos.5448 & 5449 of 2023 on the file of the Principal District Cum Sessions Judge, Chennai vide order dated 09.03.2023.

For Petitioner : Mr.J.Jayan

For Respondent : Mr.S.Rajakumar
Additonal Public Prosecutor



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COMMON ORDER

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This petition has been filed to modify the condition imposed on the petitioner ie., (b) the petitioner shall appear before the Respondent Police daily at 10.00.a.m., until further orders in Crl.M.P.Nos.5448 & 5449 of 2023 on the file of the Principal District Cum Sessions Judge, Chennai vide order dated 09.03.2023.

2. The learned counsel for the petitioner submitted that, petitioner was granted bail in Crime No.564 of 2022 in Crl.M.P.No.656 of 2023 by the learned Judicial Magistrate No.VI, Coimbatore on 09.01.2023. One of the condition imposed is that “ *The petitioner is directed to appear and sign before the respondent police daily at 10.30.a.m., for the period of 30 days from the date of the order*”. This condition was subsequently modified by the learned Principal District & Sessions Judge, Coimbatore on 14.02.2023 in Crl.M.P.No.782 of 2023 that the “*The petitioner is directed to appear and sign before the Judicial Magistrate No.6, Coimbatore daily at 10.00.a.m., for a period of 30 days*”. Thereafter, on 15.02.2023, petitioner was arrested in Crime No.406 of 2022 and in Crime No.471 of 2023. Petitioner got bail in both the cases in Crl.M.P.Nos.5448 & 5449 of 2023 on the file of the learned



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Principal Sessions Judge, Chennai with a condition that ““ *The petitioner is*

directed to appear and sign before the respondent police daily at 10.00.a.m., until further orders”. After this order was passed, petitioner's mother was died. Therefore, petitioner could not comply with the condition. He filed this petition for modification in April 2023. In the said circumstances, this petition is filed seeking modification of the condition.

3. In response, learned Additional Public Prosecutor submitted that, petitioner has not complied with the condition even for a single day on the basis of the bail orders passed in Crl.M.P.Nos.5448 & 5449 of 2023 on the file of the learned Principal Sessions Judge, Chennai in connection with Crime No.406 of 2022 and 471 of 2022. Thus, he opposed this petition seeking modification of the condition.

4. Considered the rival submissions and perused the records. From the facts narrated above, it is seen that, petitioner was granted bail in Crl.M.P.No.656 of 2023 by the learned Judicial Magistrate No.VI, Coimbatore on 09.01.2023 in connection with Crime No.564 of 2022 with a condition to appear and sign before the respondent police daily at 10.30.a.m., for the period of 30 days and it was subsequently modified by the learned Principal



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District & Sessions Judge, Coimbatore on 14.02.2023 in Crl.M.P.No.782 of

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2023 to the effect that the petitioner is directed to appear and sign before the Judicial Magistrate No.6, Coimbatore daily at 10.00.a.m., for a period of 30 days. The submission of the learned counsel for the petitioner that, on 14.02.2023, petitioner was arrested in other cases and therefore, he could not able to comply with the condition. This is understandable. However, petitioner got bail in other case on 09.03.2023. Even admitting that, his mother died, there is no justification for the petitioner in not complying with the condition imposed in Crl.M.P.Nos.5448 & 5449 of 2023 even for a single day. Mere filing of the petition in April 2023 is not a ground for not complying with the condition. Therefore, this Court finds no reasonable grounds to entertain these petitions seeking modification.

5. Accordingly, these Criminal Original Petitions are dismissed.

18.08.2023

Sma

Internet : Yes/No

Index : Yes/No

Speaking/Non speaking order



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- To
1. Principal Sessions Judge, Chennai
 2. The Inspector of Police,
K-2, Ayanavaram Police Station,
Kilpauk,
Chennai District.
 3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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